

## **ADMINISTRATIVE PANEL DECISION**

Technip France v. ADRIAN Richie

Case No. D2023-0835

### **1. The Parties**

The Complainant is Technip France, France, represented by Withers & Rogers LLP, United Kingdom.

The Respondent is ADRIAN Richie, Switzerland.

### **2. The Domain Name and Registrar**

The disputed domain name <technipenergies.com> is registered with NameSilo, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 23, 2023. On February 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 31, 2023.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on April 5, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant is Technip France, a French engineering and technology company for the energy industry and chemicals sector, founded in 2021. The Complainant maintains and operates a website at “www.technipenergies.com”.

The Complainant owns several trademark registrations in many different jurisdictions around the world for TECHNIP ENERGIES, including the following:

- European Union Registration No. 018136252 for TECHNIP ENERGIES, registered on May 22, 2020; and
- International Registration No. 1544812 for TECHNIP ENERGIES, registered on April 9, 2020.

The disputed domain name was registered on September 26, 2022 and is inactive.

#### 5. Parties' Contentions

##### A. Complainant

According to the Complainant, the disputed domain name is confusingly similar to its trademark TECHNIP ENERGIES, since it reproduces the Complainant's trademark with the letters “i” and “n” in reverse, representing a case of *typosquatting*.

The Complainant informs that its trademark rights predate the registration date of the disputed domain name and that the Respondent has no rights or legitimate interest in the disputed domain name.

Additionally, the Complainant states that it has never licensed or authorized the Respondent to use its TECHNIP ENERGIES trademark and that it has not commonly been known by a name corresponding to the disputed domain name. Further, the Complainant mentions that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant also argues that the disputed domain name was registered and is being used in bad faith as it consists of an obvious misspelling of the Complainant's trademark, reason why Internet users will be under the impression that there exists a relationship between the disputed domain name and the Complainant.

Finally, the Complainant requests the transference of the disputed domain name.

##### B. Respondent

The Respondent did not reply to the Complainant's contentions.

#### 6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

The evidence demonstrates that the Complainant is the owner of trademark registrations for TECHNIP ENERGIES and that they predate the registration date of the disputed domain name.

The disputed domain name represents a misspelling of the Complainant's trademark TECHNIP ENERGIES with the letters "n" and "i" reversed, which seems visually irrelevant when comparing the Complainant's trademark and the disputed domain name.

Previous UDRP panels have consistently held that a domain name is identical or confusingly similar to a trademark for purposes of the Policy "when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" (*Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#)).

Therefore, the Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademarks.

### **B. Rights or Legitimate Interests**

As stated in [WIPO Overview 3.0](#), "while the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element".

The Respondent has not submitted any response to the Complaint.

There is no evidence that the Respondent has any authorization to use the Complainant's trademark or to register domain names containing the Complainant's trademark.

There is no evidence that the Respondent is commonly known by the disputed domain name.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services.

The typo in the Complainant's trademark represented in the disputed domain name with the letters "n" and "i" reversed is demonstrative of the Respondent's lack of rights or legitimate interests. Such typo illustrates the Respondent's intent to mislead unsuspecting Internet users, unaware of the typo in the disputed domain name and expecting to find the Complainant.

The Panel finds that the use of the disputed domain name, which incorporates the Complainant's trademark with a typo, does not correspond to a *bona fide* use of the disputed domain name under the Policy.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain name.

### **C. Registered and Used in Bad Faith**

The trademark TECHNIP ENERGIES is used and has been registered by the Complainant in several jurisdictions. Also, the Complainant registered and is using the domain name <technipenergies.com>, which

corresponds to its main website. These registrations predate the registration date of the disputed domain name.

The Respondent has no rights or legitimate interests in the disputed domain name.

This Panel finds that the disputed domain name reproduces/imitates the trademark TECHNIP ENERGIES with an intentional reversal of the letters “n” and “i” to confuse and/or deceive consumers. It is not conceivable that the Respondent would not have been aware of the Complainant’s trademark rights at the time of the registration of the disputed domain name.

It is clear to the Panel that the Respondent’s intention with the misspelling of the Complainant’s trademark was to create a likelihood of confusion among Internet users for some commercial gain. This confirms that the disputed domain name was registered and is being used in bad faith by the Respondent.

Moreover, the Respondent has chosen not to respond to the Complainant’s allegations. According to the UDRP panel’s decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), “[t]he failure of the Respondent to respond to the Complaint further supports an inference of bad faith”.

Furthermore, this Panel noticed that the Respondent has also been involved in other UDRP proceeding (*Sanofi, France v. Adrian Richie*, WIPO Case No. [D2021-3032](#)), in which the decision ordered the transfer of the domain name. This seems to confirm the type of pattern of the Respondent in relation to domain name matters, a fact that reinforces the bad faith in this present case.

This Panel concludes that the Respondent’s attempt of taking undue advantage of the Complainant’s trademark for commercial gain as described in paragraph 4(b)(iv) of the Policy has been demonstrated.

For the above reasons, the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used in bad faith.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <techinpennergies.com> be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: April 19, 2023