

ADMINISTRATIVE PANEL DECISION

G4S Limited v. barasa wabarasa

Case No. D2023-1157

1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is barasa wabarasa, Gabon.

2. The Domain Name and Registrar

The disputed domain name <g4s.store> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2023. On March 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 15, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 16, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 16, 2023.

The Center verified that the Complaint together with the amended 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 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 18, 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 a London-based security company which provides security and facility services in several countries across the world. Initially founded in 1901, the Complainant has been operating under its current name, G4S (or Group 4 Securicor) since 2004, when Group 4 Falck and Securicor merged. In 2021, the Complainant was acquired by Allied Universal, and presently has a network of more than 800,000 employees globally (Annex 4 to the Complaint).

The Complainant, in addition to the domain name <g4s.com>, registered on December 1, 1999, is the owner of the following, amongst other, trademark registrations:

- International trademark registration No. 885912, for the word mark G4S, registered on October 11, 2005, successively renewed, in classes 01, 05, 06, 09, 16, 35, 36, 37, 38, 39, 41, 42, 44 and 45;
- United States of America trademark registration No. 3,378,800, for the word mark G4S, filed on October 11, 2005 and registered on February 5, 2008, successively renewed, in classes 9, 39 and 45; and
- European Union trademark registration No. 015263064, for the word mark G4S, filed on March 23, 2016 and registered on September 20, 2016, in classes 6, 36 and 37.

The disputed domain name was registered on August 25, 2022 and presently does not resolve to an active webpage, but mail exchange (“MX”) records have been configured (Annex 12 to the Complaint).

5. Parties’ Contentions

A. Complainant

The Complainant claims to offer a diverse range of services, broadly divided into the categories of ‘Security Solutions’, ‘Cash Solutions’, ‘Consulting Services’ and ‘Care and Justice Services’; also providing tailored country-specific services across different industry sectors which include, for example, courier-related services, as well as offerings for the sectors of retail and financial institutions, counting with more than 800,000 employees globally and rendering services in approximately 80 countries around the world under the G4S trademark which has developed a significant amount of goodwill and global recognition.

Under the Complainant’s view, the disputed domain name is identical to the Complainant’s G4S trademark whose distinctive value has been found to solely relate to the Complainant’s services, as recognized in past UDRP decisions such as *G4S Limited v. 杨智超 (Zhichao Yang)*, WIPO Case No. [D2022-3933](#); *G4S Limited v. Milen Radumilo*, WIPO Case No. [D2022-3910](#); and *G4S Limited v. David Czinczenheim*, WIPO Case No. [D2022-3935](#).

Moreover, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name given that:

- (i) the Respondent has not registered any trademark for the term G4S and there is no evidence that the Respondent holds any unregistered rights to that term;

- (ii) the Respondent has not received any license from the Complainant to use a domain name that features the G4S trademark, being all active trademarks of the G4S term held by the Complainant (Annex 7 to the Complaint);
- (iii) the Respondent has not used, nor prepared to use, the disputed domain name in connection with a *bona fide* offering of goods or services; not currently resolving the disputed domain name to an active website or webpage;
- (iv) the Respondent is not commonly known by the disputed domain name; and
- (v) the Respondent's activation of mail exchange (MX records) for the disputed domain name indicates that the Respondent is likely using the disputed domain name to carry out fraudulent activity.

Furthermore, the Complainant submits that the Respondent both registered and is using the disputed domain name in bad faith in accordance with paragraph 4(a)(iii) of the Policy, having clearly registered the disputed domain name to target the Complainant's trademark intentionally. In addition to that, the Respondent has chosen to ignore a cease-and-desist letter sent by the Complainant's representatives on September 22, 2022 (Annex 15 to the Complaint) what corroborates the Respondent's bad faith behaviour. Moreover, at the time of the cease-and-desist letter, the disputed domain name used to resolve to a parked page, which also amounts to passive use. Lastly, the Complainant notes that the Respondent's activation of MX records for the disputed domain name which could at some point be used in phishing activity, given the evidently implied affiliation of the disputed domain name with the Complainant's G4S trademark.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

A. Identical or Confusingly Similar

The Complainant has established its rights in the registered G4S trademark.

The Panel finds that the disputed domain name incorporates the Complainant's trademark in its entirety. It is well accepted that the first element functions primarily as a standing requirement and that the threshold test for confusing similarity involves a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". The Panel finds that the disputed domain name is

identical to the Complainant's trademark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The first element of the Policy has therefore been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that indicate a respondent's rights to or legitimate interests in a disputed domain name. These circumstances are:

- (i) before any notice of the dispute, the Respondent's 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; or
- (ii) the Respondent, as an individual, business, or other organization, has been commonly known by the disputed domain name, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain name. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondent.

In that sense, and according to the evidence submitted, the Complainant has made a *prima facie* case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and neither has registered any trademark for the term G4S nor has received any license from the Complainant to use a domain name that incorporates the G4S trademark.

In addition to that, the lack of any use of the disputed domain name, which is being passively held, does not constitute a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the disputed domain name that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain name, corroborate with the Panel's finding of the absence of rights or legitimate interests.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

The second element of the Policy has therefore been established.

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b) that bad faith registration and use can be found in view of:

- (i) circumstances indicating that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring it to the complainants who are the owner of a trademark relating to the disputed domain name or to a competitor of the Complainants, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or

- (ii) the Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other location, by creating a likelihood of confusion with the complainants' mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The registration and use of the disputed domain name in bad faith can be found in the present case in view of the following circumstances:

- (i) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain name, not having submitted a response;
- (ii) the well-known status of the Complainant's trademark;
- (iii) the nature of the disputed domain name (reproducing the entirety of the Complainant's trademark), and the Respondent's likely intention to unduly profit from the value of the Complainant's trademark, suggest rather a clear indication of the Respondent's registration and holding of the disputed domain name in bad faith, with the implausibility of any good faith use to which the disputed domain name may be put;
- (iv) the Respondent's choice to retain a privacy protection service to conceal its true identity;
- (v) the lack of reply to the cease-and-desist letter sent prior to this procedure; and
- (vi) the indication of what appears to be false contact details, not having the Center been capable of delivering the written notice to the Respondent.

For the reasons stated above, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The third element of the Policy has therefore been established.

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 <g4s.store> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 24, 2023