

ADMINISTRATIVE PANEL DECISION

Safran v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2023-1356

1. The Parties

The Complainant is Safran, France, represented internally.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 29, 2023. On March 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 30, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and its 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 April 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 2, 2023.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on May 23, 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 an international high-technology group, operating in the aviation (propulsion, equipment and interiors), defence, and space markets.

The Complainant owns the following trademarks:

- European Union trademark for SAFRAN No. 004535209, filed on July 11, 2005, registered on August 17, 2009, for goods and services in classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42;
- International trademark registration for SAFRAN, No. 884321, registered on August 5, 2005, for goods and services in classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42.

The disputed domain name was registered on December 12, 2022. According to the Complainant's submissions, the disputed domain name did not resolve to an active website at the time of filing of the Complaint. At the time of the present Decision, it resolves to a pay-per-click landing page on which it hosts multiple hyperlinks to third-party websites.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its SAFRAN prior trademarks. To this end, the Complainant asserts that the disputed domain name reproduces in an identical manner the trademark SAFRAN, that the term "servicedesk" added at the beginning of the disputed domain name refers to the technical support portal "www.servicedesk.safrangroup.com" created by the Complainant as a subdomain of its domain name <safrangroup.com>, while the term "group" added after the SAFRAN trademark is identical to the term "group" used in the Complainant's domain names. The Complainant alleges that the combination refers directly to the company Safran since it is often referred to as "Safran Group" in the media and news and since the creation of the Safran technical support portal.

The Complainant further asserts that an uninformed Internet user, looking for information about Safran could legitimately think that the disputed domain name belongs to Safran.

For these reasons, the Complainant considers that the disputed domain name is confusingly similar to its SAFRAN marks.

The Complainant further contends that the Respondent does not have any rights or legitimate interests in the disputed domain name for a number of reasons.

First, the Complainant asserts that the Respondent does not use the disputed domain name nor a name corresponding to the disputed domain name in connection with a good faith offer of products or services.

Secondly, the Complainant asserts that the Respondent is not commonly known by the disputed domain name.

Thirdly, the Complainant contends that it has not licensed or otherwise gave the right of use of the trademark SAFRAN to the Respondent.

Fourthly, the Complainant asserts that it has no relationship with the Respondent.

Lastly, the Complainant asserts that it does not have any litigation with the Respondent, but that two letters of formal notice dated late 2021 and early 2022 were sent to the Respondent for the domain names <benefitsatsafrangroup.com> and <safransgroups.co> and that following these letters, the domain names in

question have not been renewed or have been abandoned. The Complainant did not attach copies of these letters to the Complaint.

For these reasons, the Complainant considers that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith.

To this end, the Complainant argues that the Respondent has no rights to the trademark SAFRAN and no link with the Complainant, and that the disputed domain name is reproducing its trademark SAFRAN.

The Complainant further argues that the disputed domain name is also confusingly similar to the Complainant's subdomain of the domain name <safrangroup.com> known as <servicedesk.safrangroup.com>. The Complainant contends that the Respondent intentionally attempted to attract Internet users, by creating a likelihood of confusion with the Complainant's trademark.

The Complainant asserts that the disputed domain name seems not to be used by the Respondent. Nevertheless, according to the independent searches performed by the Panel, on the date of this Decision, the disputed domain name resolves to an active website displaying pay-per-click advertisements¹.

The Complainant further contends that Safran group and SAFRAN trademark are internationally known. Thus, in the Complainant's view, the Respondent must have been aware of the Safran group and the SAFRAN trademark and cannot reasonably evidence having any legitimate purpose to register the disputed domain name.

For all these reasons, the Complainant considers that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue

A. Clarification of the remedy sought by the Complainant

On June 6, 2023, the Center has sent via email to the Complainant a request to clarify the remedy sought through the filed Complaint. The Complainant responded on June 7, 2023 that the sought remedy is the transfer of the disputed domain name to the Complainant. The Respondent did not respond to this communication.

6.2 Substantive Issues

In order for the Complainant to succeed, it must prove, according to paragraph 4(a) of the Policy, that:

¹ "Noting in particular the general powers of a panel articulated *inter alia* in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision". WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

- (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 with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. Thus, the Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, the Complainant has to show that the disputed domain name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to the requirement of having rights pursuant to paragraph 4(a)(i) of the Policy, the Complainant owns SAFRAN registered trademarks, in several jurisdictions. As no trademark registration certificates were attached to the filed Complaint, the Panel has conducted independent searches within publicly available trademark databases and has found that the trademarks invoked in the Complaint by the Complainant are registered trademarks in its name². Consequently, the Panel finds that this requirement is fulfilled.

With regard to the assessment of identity or confusing similarity of the disputed domain name with the SAFRAN trademarks, it is generally accepted that this involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

The Panel finds that the disputed domain name is confusingly similar to the SAFRAN trademark as it incorporates the SAFRAN mark in its entirety and the addition of the terms “servicedesk” at the beginning of the disputed domain name as well as of the term “group” does not prevent a finding of confusing similarity. The SAFRAN mark remains clearly recognizable within the disputed domain name (see section 1.8 of the [WIPO Overview 3.0](#)).

In what concerns the addition of the generic Top-Level Domain “.com”, this is not to be taken into consideration when examining the confusing similarity between the Complainant’s trademark and the disputed domain name, as it is viewed as a standard registration requirement and is disregarded under the first element confusing similarity test (see section 1.11 of the [WIPO Overview 3.0](#)).

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made out, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy (see section 2.1 of the [WIPO Overview 3.0](#)).

² *Id.*

In this case, the Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent, as the Respondent has not submitted any response.

Thus, based on the available evidence, the Respondent does not appear to be commonly known by the disputed domain name. The Complainant has never licensed or permitted the Respondent to use its SAFRAN marks or any domain names incorporating the SAFRAN marks, and also, the Respondent does not have any relationship with the Complainant.

Furthermore, the disputed domain name comprises the Complainant's SAFRAN mark in its entirety together with the addition of the descriptive terms "servicedesk" at the beginning of the disputed domain name which could refer to technical support provided by the Complainant as well as of the term "group" which could refer to the Complainant's group, which might lead to confusion amongst Internet users. This is particularly so given the Complainant's use of the subdomain <servicedesk.safrangroup.com> whereby it operates its technical support portal. Lastly, given the use of the disputed domain name to feature commercial links to third party websites, some links directly incorporating the SAFRAN mark, the Respondent is clearly seeking to capitalize on the inherently misleading nature of the disputed domain name as it relates to the Complainant.

The above does not amount to a *bona fide* offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the domain name has been registered and is being used in bad faith.

In this case, the Complainant's rights to the SAFRAN trademark predate the registration date of the disputed domain name.

Considering the evidence in the file, Safran Group which the Complainant is a part of seems to be internationally known.

Therefore, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the disputed domain name without knowledge of the Complainant's SAFRAN mark, which supports a finding of bad faith registration (see sections 3.2.2 of the [WIPO Overview 3.0](#)).

The Respondent's incorporation into the disputed domain name of the Complainant's SAFRAN mark in its entirety, with the addition of the descriptive terms "servicedesk" at the beginning of the disputed domain name which could refer to technical support provided by the Complainant as well as of the term "group" which could refer to the Complainant's group, the lack of any relationship between the Respondent and the Complainant as well as of any license or permission from the Complainant to the Respondent to use its SAFRAN marks or any domain names incorporating the SAFRAN mark, the failure of the Respondent to submit a response in this file, is clear evidence of bad faith use and registration of a domain name, and lead to a finding of bad faith registration and use irrespective of the prior passive holding of the disputed domain name or its current use to feature commercial links capitalizing on the reputation and goodwill of the Complainant.

For all these reasons, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

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, <servicedesksafrangroup.com>, be transferred to the Complainant.

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: June 13, 2023