

## **ADMINISTRATIVE PANEL DECISION**

Safran v. Organization: Safran Aerospace, Thomas Pardue  
Case No. D2023-2600

### **1. The Parties**

The Complainant is Safran, France, represented by Jean-Guy ODIN, France.

The Respondent is Organization: Safran Aerospace, Thomas Pardue, United States of America.

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

The disputed domain name <safranaerospace.com> is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2023. On June 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 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 amendment to the Complaint on June 21, 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 June 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 19, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on August 4, 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 high-technology group operating in the field of aviation and space markets. The Complainant owns many trademark registrations for SAFRAN such as European Union trademark registration No. 004535209 registered on August 17, 2009, and International trademark registration No. 884321 registered on August 5, 2005.

The disputed domain name was registered by on February 21, 2023, and resolves to an error page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark together with the term "aerospace", which is one of the Complainant's main fields of activity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not license the Respondent to use its trademark in the disputed domain name and there is no relationship between them. There is no good faith offer of products or services through the disputed domain name and the Respondent is not commonly known by the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name reproduces the Complainant's trademark together with the word "aerospace", which creates confusion in the minds of Internet users who would think that the Complainant is the owner of the disputed domain name. An email sent by the Respondent to one of the Complainant's supplier's pretending it is an employee of the Complainant resulted in a number of laptops being delivered. The Respondent must have been aware of the Complainant and its trademark as they are internationally known.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

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

The Complainant owns trademark registrations for SAFRAN. The Panel is satisfied that the Complainant has established its ownership of the trademark SAFRAN.

The disputed domain name incorporates the Complainant's trademark SAFRAN in its entirety. It is established by prior UDRP panels that when a domain name incorporates a complainant's registered trademark, such incorporation is sufficient to establish identity or confusing similarity for the purposes of the Policy even if other terms are added as part of the disputed domain name. *E.g., Oki Data Americas, Inc v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("*Oki Data*").

The addition of the term "aerospace" does not alter the fact that the disputed domain name is confusingly similar to the Complainant's trademark. The generic Top-Level-Domain ".com" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

## B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production of evidence shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not licensed by the Complainant to use its trademark and the Respondent is not commonly known by the disputed domain name; the Complainant also alleges the disputed domain name has been used for fraudulent misrepresentation purposes. Therefore, the Complainant has established a *prima facie* case, and the burden of production of evidence shifts to the Respondent to show that it has rights or legitimate interests.

The absence of a response by the Respondent allows the Panel to draw inferences, and under the circumstances, the absence of a response leaves the Complainant's *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name unrebutted.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

## C. Registered and Used in Bad Faith

At the time of registering the disputed domain name, the Respondent must have been aware of the Complainant's trademark for a number of reasons:

- (i) The Complainant's trademark has been registered years before the disputed domain name was created.
- (ii) A simple Google search on SAFRAN reveals the Complainant's business.
- (iii) The disputed domain name contains the term "aerospace", which relates to the Complainant's industry.
- (iv) The Respondent attempted to impersonate the Complainant while dealing with a supplier.

The Panel believes that the Respondent has registered the disputed domain name in order to impersonate the Complainant. The evidence submitted by the Complainant showing the use of the disputed domain name in connection with an email address that is part of a fraudulent scheme is a clear indication of bad faith. It is well accepted that the use of a domain name to perpetuate fraud constitutes bad faith use ([WIPO Overview 3.0](#), section 3.4).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## 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, <safranaerospace.com> be transferred to the Complainant.

/Nayiri Boghossian/

**Nayiri Boghossian**

Sole Panelist

Date: August 10, 2023