

ADMINISTRATIVE PANEL DECISION

Alstom v. Name Redacted

Case No. D2023-2693

1. The Parties

The Complainant is Alstom, France, represented by Lynde & Associates, France.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 22, 2023. On June 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 28, 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 June 29, 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST12785241 Attn. Bradescourgente.net / Name Redacted*, [WIPO Case No. D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 10, 2023.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on September 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.

In light of the circumstances set out below, the Panel has redacted the name of the Respondent and issued Annex 1 with a direction to the Registrar regarding the transfer of the disputed domain name.

4. Factual Background

The Complainant is a global leader in a number of fields, including power generation, power transmission and railway infrastructure. It operates in more than 70 countries around the world, including a significant presence in the United States of America ("United States"), where it commenced operations more than 170 years ago, and now has 45 facilities across 19 states. The Complainant has carried on business across Europe for many years, including long-standing operations in Germany and France, and more recently in Iceland since 2003.

The Complainant owns a portfolio of ALSTOM-formative trademarks which are protected in more than fifty countries for a broad range of goods and services.

Examples of its registrations for the word and figurative marks ALSTOM include:

France trademark No. 98727759, registered April 10, 1998;
International Trademark No. 706292, registered August 28, 1998;
United States Trademark No. 85250501, registered July 22, 2014; and
Iceland trademark No. V0033613, registered July 20, 1999.

The Complainant also owns a portfolio of ALSTOM-formative domain names including <alstom.com> and <alstomgroup.com>, dating back to 1998 and 2000, respectively.

The disputed domain name was registered on May 10, 2023. At the time the Complaint was filed and the time of this Decision, it does not resolve to any active website. The Complainant has submitted evidence showing that the disputed domain name previously resolved to a pay-per-click landing page on which it hosted multiple hyperlinks to third-party websites.

5. Parties' Contentions

A. Complainant

The Complainant submits that it is the owner of well-established rights in the trademark ALSTOM based on use and registration in Europe, North America, and other countries where it carries on business. The disputed domain name is confusingly similar to the Complainant's registered trademark, as it is virtually identical except for the addition of a misspelled word which does not diminish the confusing similarity.

With respect to the absence of rights or legitimate interests, the Complainant asserts that the Respondent has never been authorized to use the mark ALSTOM or adopt a confusingly similar domain name. It further submits that the Respondent is not making a *bona fide* offering of goods or services but rather is using the disputed domain name to divert unknowing users who will be deceived by the presence of the ALSTOM

mark within the disputed domain name.

With respect to bad faith, the Complainant relies on evidence of the significant reputation it holds in the ALSTOM mark on a worldwide basis, and submits that the Respondent must have been fully aware of the Complainant's rights when it adopted and used the disputed domain name for abusive purposes. Based on this misconduct, the Complainant submits that there is sufficient evidence to support a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) The disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interest 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 Complainant clearly holds relevant ownership rights in the trademark ALSTOM, as demonstrated by the registered trademarks enumerated in section 4. The Complainant has filed extensive evidence of the use and registration of its ALSTOM trademarks, in association with major infrastructure projects it has undertaken in many countries around the world. Prior UDRP panel decisions have recognized that the ALSTOM trademark is famous or well known (see for example *ALSTOM v. Daniel Bailey*, WIPO Case No. [D2010-1150](#)).

The test for confusing similarity is described as a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name" in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark. The disputed domain name includes the entirety of the ALSTOM mark with the addition of the term "grouq", an obvious misspelling of the word "group". This addition does not prevent a finding of confusing similarity under the first element. The Complainant's trademark is clearly recognizable within the disputed domain name ([WIPO Overview 3.0](#), sections 1.8).

Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Although the Policy places on the Complainant the burden of proof to establish the absence of rights or legitimate interests, the practice now recognizes that it is often sufficient for a Complainant to make out a *prima facie* case, which then shifts the burden of production to the Respondent to bring forward evidence to demonstrate the relevant rights or legitimate interests. Where the Respondent fails to produce such evidence, the Complainant will be deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

The Complainant has established a plausible *prima facie* case by bringing forward evidence and submissions on the following points: (1) the Respondent has never been associated in any way with the Complainant nor has it ever been authorized to use the ALSTOM mark; (2) there is no evidence that the Respondent has been commonly known by the disputed domain name; (3) the disputed domain name reproduces the distinctive ALSTOM mark and a misspelling of the term “group” in order to mislead and lure consumers seeking or expecting to find the Complainant to a site for commercial advantage. In this regard, the Panel further notes from the Complainant’s submission, that the email address of its employees uses the domain name <alstomgroup.com>.

In the absence of any response from the Respondent, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name constitutes an abusive registration which is being used in bad faith. The Respondent clearly set out to target the Complainant, to deceive users into believing that its confusingly similar disputed domain name was in fact associated with the Complainant, to thereby attract Internet traffic for commercial gain.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith, see [WIPO Overview 3.0](#), section 3.1.4.

The Panel also identifies several aspects of the Respondent’s conduct as probative evidence of bad faith:

(1) the fact that ALSTOM is a well-known trademark and business name, with broad international reputation in multiple countries, with use dating back more than 100 years, and that it is therefore clear that the Respondent must have been fully aware of the Complainant’s rights when it chose to incorporate the ALSTOM mark in the disputed domain name;

(2) the fact that ALSTOM is a distinctive mark, which is connected exclusively with the Complainant;

(3) the fact that there is no reason for the Respondent to use ALSTOM as part of its disputed domain name except to trade on the complainant’s reputation and thereby to attract Internet users to its confusingly similar domain name for purposes of commercial gain; the current passive holding of the disputed domain name does not prevent a finding of bad faith;

(4) the nature of the disputed domain name itself, in that it is a clear example of typo-squatting, where the Respondent has copied the Complainant’s trade name “Alstom Group”, and merely substituted the similar appearing letter “q” for the original letter “p” in the word “group”;

(5) the Respondent’s use of false contact particulars and with the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use.

In connection with this final factor the Panel identifies the conduct of the Respondent in concealing its identity as a compelling indicator of bad faith. The Complainant’s investigation of the contact details for the disputed domain name registration reveals a number of misleading and false entries. In particular, the registrant information is seemingly false, as it wrongly identifies an individual who is employed as the CEO of an unrelated third party, located in New Jersey, United States. These actions of the Respondent, in combination with its use of a privacy service, lead the Panel to find that this conduct is a compounding factor in establishing registration and use of the disputed domain name in bad faith. Identity theft by way of multi-layered obfuscation by a respondent is viewed as probative evidence of bad faith (see [WIPO Overview 3.0](#), section 3.6).

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

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: September 11 2023