

ADMINISTRATIVE PANEL DECISION

ALSTOM v. Name Redacted, astlomgroup.com

Case No. D2023-3005

1. The Parties

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

The Respondent is Name Redacted¹, astlomgroup.com.

2. The Domain Name and Registrar

The disputed domain name <astlomgroup.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 13, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 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 July 17, 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 July 20, 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

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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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. FAST-12785241 Attn. Bradescourgente.net / Name Redacted, [WIPO Case No. D2009-1788](#).

Complaint, and the proceedings commenced on July 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2023.

The Center appointed Anne-Virginie La Spada 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.

4. Factual Background

The Complainant is a French company created in 1928 active in the fields of power generation, power transmission and rail infrastructure, with a presence in many countries.

The Complainant is the owner of the following trademark registrations for ALSTOM, among others:

- International trademark registration No 706292, registered on August 28, 1998, in classes 1, 2, 4, 6, 7, 9, 11, 12, 13, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41 and 42; and
- United States of America ("United States") trademark registration No 4570546, registered on July 22, 2014, in classes 1, 6, 7, 8, 9, 11, 12, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 45.

The Complainant has also registered the domain names <alstom.com> on January 20, 1998, and <alstomgroup.com> on November 14, 2000.

The disputed domain name was registered on June 30, 2023. At the time of filing of the Complaint, it did not resolve to an active website.

On July 3, 2023, the Complainant sent a cease and desist letter to the Respondent by email. No response was received.

According to research conducted by the Complainant, there does not appear to be an entity named "Astlom Group" in the United States.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to its famous ALSTOM trademark and that the inversion of the order of the letters "l" and "st" from "lst" to "stl" constitutes typosquatting. Furthermore, the addition of the term "group" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent is not authorized by the Complainant to use the disputed domain name, and there is no indication that the Respondent is known under the disputed domain name nor that he has registered any trademark or any company under the name "alstom" or "alstom group". Moreover, according to the Complainant, the Respondent used the name of one of the Complainant's employees to register the disputed domain name. In light of the above, the Complainant considers that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

The Complainant further contends that the disputed domain name was registered and used in bad faith. According to the Complainant, the Respondent registered the disputed domain name in full knowledge of the Complainant's rights with a view to capitalizing on the goodwill and reputation associated with the

Complainant's trademark; and to create a likelihood of confusion with the Complainant's marks. Such use does not constitute a *bona fide* offering of goods and services.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name differs from the Complainant's ALSTOM trademark only in that the term "group" has been added and in that a single minor typographical variation, which consists of the inversion of the letters "lst" to "stl", was used.

UDRP panels consider that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element of paragraph 4(a) of the Policy (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")).

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element (see [WIPO Overview 3.0](#), section 1.9).

In the present case, the trademark ALSTOM remains clearly recognizable in the disputed domain name despite the abovementioned misspelling and the addition of the term "group", which does not change the overall impression produced by the disputed domain name and does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

Furthermore, the Panel considers that the inversion of the order of the letters from "lst" to "stl" of the Complainant's trademark is a typical case of a deliberate misspelling of a mark (so-called "typosquatting") (see for instance *LindedIn Corporation v. Daphne Reynolds*, WIPO Case No. [D2015-1679](#), concerning the domain name <linkedln.com>).

UDRP panels accept that a generic Top-Level Domain ("gTLD"), such as ".com", may be disregarded when assessing whether a domain name is identical or confusing similar to a trademark (see [WIPO Overview 3.0](#), section 1.11.1).

The Complainant has satisfied the condition set forth in paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has failed to file a response.

Based on the information submitted by the Complainant, the Respondent does not appear to have rights or

legitimate interests in respect of the disputed domain name, nor has the Complainant granted to the Respondent any authorization to use the disputed domain name. There is also no evidence that the Respondent has used or is planning to use the disputed domain name for a *bona fide* offering of goods or services.

Finally, the Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

In view of the above, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Complainant has satisfied the condition set out in paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

UDRP panels have recognized in past decisions the widespread use and renowned character of the Complainant's trademarks (see *Alstom v. Registration Private, Domains By Proxa, LLC/WEIZHONG XU*, WIPO Case No. [D2021-3417](#); and *Alstom v. Kiran Mehta*, WIPO Case No. [D2021-2799](#)). Panel accepts that the Complainant's trademark is well known and that the Respondent most probably knew of the Complainant's trademark when he/she registered the disputed domain name. Thus, the Panel finds that the disputed domain name was registered in bad faith.

The Respondent does not appear to have used the disputed domain name in connection with an active website.

In certain circumstances, UDRP panels have held that the passive holding of a domain name could amount to use in bad faith within the meaning of paragraph 4(a)(iii) of the Policy. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put (section 3.3 of the [WIPO Overview 3.0](#)).

In the case at hand, the trademark ALSTOM is distinctive. The Respondent failed to submit a response or to allege any actual or contemplated use of the disputed domain name. Also, it is difficult to imagine what legitimate use the Respondent could make of the disputed domain name, given the fact that there is no relationship between the Respondent and the Complainant. If the disputed domain name was connected to an active website, consumers would be likely to mistakenly assume that such website is operated or endorsed by the Complainant, when such is not the case.

Finally, the registrant's name that the Respondent provided to the Registrar is not accurate, as there does not appear to be any entity name "Astlom Group" and the individual name provided is the name of an employee of the Complainant.

Weighing all the above factors, the Panel finds that the disputed domain name is being passively held in bad faith. The Respondent was informed of the UDRP proceedings but it chose to refrain from filing a Response. This corroborates the implausibility of a good faith holding of the disputed domain name by the Respondent.

For the reasons set out above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has satisfied the condition set forth in 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, <astlomgroup.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: September 19, 2023