

ADMINISTRATIVE PANEL DECISION

La Plateforme v. Hulmiho Ukolen, Poste restante
Case No. D2023-3404

1. The Parties

Complainant is La Plateforme, France, represented by Nameshield, France.

Respondent is Hulmiho Ukolen, Poste restante, Finland.

2. The Domain Name and Registrar

The disputed domain name <laplatforme.com> (the “Domain Name”) is registered with Gransy, s.r.o. d/b/a <subreg.cz> (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 9, 2023. On that same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 10, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain May be for Sale, Check <Afternic.com>, Domain Admin, Whois) and contact information in the Complaint. The Center sent an email communication to Complainant on August 10, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 11, 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 Respondent of the Complaint, and the proceedings commenced on September 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 25, 2023.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on October 10, 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

Complainant is a French company selling products for all building trades (e.g., masonry, carpentry, painting, tiling, plumbing). Complainant owns registrations for the LA PLATEFORME Mark (or the “Mark”) including: French Trademark Registration No. 96609579 (registered February 6, 1996) and European Trademark Registration No. 000308148 (registered July 10, 1996). Complainant also owns domain names including <laplateforme.com> (registered February 10, 2000).

The Domain Name <laplateforme.com> was registered on June 26, 2010. At the time of the Decision, it resolves to a webpage with commercial links to “Site Internet”; “Best Email Marketing Platform” and “Entreprise Bâtiment”. Clicking on “best email marketing platforms” resolves to a sponsored website for “Constant Contact” And clicking on “Entreprise Bâtiment” resolves to a sponsored website for “Pre-Engineered Steel Buildings.”

5. Parties’ Contentions

A. Complainant

The misspelling of the LA PLATEFORME Mark (*i.e.*, the deletion of the letter “e”) is characteristic of typosquatting and it is intended to create confusing similarity between the Mark and the Domain Name. Moreover, adding the generic Top-Level Domain “.com” does not change the overall impression of the designation as being connected to the Mark.

Complainant has not licensed nor authorized Respondent to make any use of the LA PLATEFORME Mark including to apply for registration of the Domain Name. Similarly, Complainant does not carry out any activity for, nor has any business with Respondent. Respondent is not identified in the WhoIs database as the Domain Name. The Domain Name resolves to a parking page with commercial links related to Complainant. Respondent did not make any use of the Domain Name since registering it and Respondent has no demonstrable plan to use it.

Complainant has been known as “La Plateforme” since 1998 and has built its successful business and strong reputation in the supply of products dedicated to the building trades. The Domain Name has been parked for over a decade at a parking page with commercial links. In doing so, Respondent has intentionally attempted to attract for commercial gain Internet users to the webpage associated with the Domain Name by creating a likelihood of confusion with the Mark.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Complainant has provided uncontroverted evidence of its rights in the LA PLATEFORME Mark by means of the aforementioned trademark registrations.

Insofar as the Domain Name wholly incorporates the LA PLATEFORME Mark, the Panel finds that it should be regarded as confusingly similar to the Mark. The mere minor misspelling – omitting one of the letter “e” and removing the space between “LA” and “PLATEFORME” – does not create a new or different mark. See *Hobsons, Inc. v. Peter Carrington a/k/a Party Night Inc.*, WIPO Case No. [D2003-0317](#). Such an insignificant modification to a trademark is commonly referred to as “typosquatting” or “typo-piracy”, as such conduct seeks to wrongfully take advantage of errors by users in typing domain names into their web browser’s location bar. See *Six Continents Hotels, Inc. v. null John Zuccarini d/b/a Country Walk*, WIPO Case No. [D2003-0161](#). “Domain names which constitute typo-squatting are confusingly similar by definition; it is this similarity which makes them attractive.” See *Dell Computer Corporation v. Clinical Evaluations*, WIPO Case No. [D2002-0423](#).

Moreover, it is common practice under the Policy to disregard generic Top-Level Domains such as the “.com”, “.net”, and “.org” portion of domain names for the purposes of determining confusing similarity under paragraph 4(a)(i) of the Policy. See, e.g., *Turkcell Iletisim Hizmetleri A.S. v. kara tara*, WIPO Case No. [D2010-1184](#).

For the foregoing reasons, the Panel finds that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

It is uncontroverted that Respondent is not affiliated with Complainant and is not licensed or otherwise authorized to use the Mark. Also, there is nothing indicating that Respondent is commonly known as “laplatforme.com”, in fact Respondent is not identified in the Whois database as the Domain Name.

The uncontroverted evidence shows that the Domain Name which is a typo of Complainant’s mark resolves to a commercial parking page including pay-per-click advertising links to websites offering services in the same field as Complainant. Complainant argues that this shows Respondent’s lack of rights and legitimate interests.

Where, as here, Complainant has raised a *prima facie* presumption of Respondent’s lack of any rights or legitimate interests in the Domain Name, and Respondent has failed to rebut that presumption, the Panel is satisfied that Complainant has carried its burden of proving that Respondent has no rights or legitimate interests in the Domain Name within the meaning of the second element of the Policy.

For the foregoing reasons, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

By failing to submit a Response, Respondent has failed to invoke any of the circumstances that could demonstrate it did not register and use the Domain Name in bad faith. Respondent registered the Domain Name on June 26, 2010, which is 14 years after Complainant obtained a registration for the Mark. And Complainant obtained a registration for its domain <laplatforme.com> on February 10, 2000, which is ten years before Respondent registered the Domain Name. The Domain Name incorporates the Mark with one of the letter “e” removed and the space removed between “le” and “platform”. For these reasons, the Panel finds it is highly unlikely Respondent was unaware of Complainant and the LA PLATEFORME Mark when it registered the Domain Name.

With regard to bad faith use, Respondent is using a domain name that is confusingly similar to the Mark in conjunction with a site having sponsored links to various services in the same field as Complainant. The Panel concludes that by using the Domain Name in this manner, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant’s LA PLATEFORME Mark as to the source, sponsorship, affiliation or endorsement of such site or the products or services advertised on such site, within the meaning of paragraph 4(b)(iv) of the Policy. *Advance Magazine Publishers Inc. v. Red Wagon Films*, WIPO Case No. [D2006-0893](#), see also, *Lowen Corporation d/b/a Lowen Sign Company v. Henry Chan*, WIPO Case No. [D2004-0430](#).

For the foregoing reasons, the Panel finds that paragraph 4(a)(iii) of the Policy has been satisfied.

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 Domain Name <laplatforme.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: October 24, 2023