

ADMINISTRATIVE PANEL DECISION

Safran v. Milen Radumilo

Case No. D2024-0091

1. The Parties

The Complainant is Safran, France, internally represented.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <safranqroups.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2024. On January 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 11, 2024, 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 (UNKNOWN) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 15, 2024, 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 January 16, 2024.

The Center verified that the Complaint together with the amendment to 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 January 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 15, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on February 20, 2024. 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 with commercial activities related to propulsion, equipment and interiors, defense and space markets.

The Complainant is the owner of several trademarks SAFRAN including the following:

- European Union trademark registration N° 004535209, date August 17, 2009; and duly renewed on July 11, 2015
- International trademark registration N° 884321, date August 5, 2005; and duly renewed on August 5, 2015.

The disputed domain name was registered on March 31, 2023. The Complainant claims the disputed domain name redirected to the website "affilnk.com", which shows pornographic content. The Respondent has not denied this allegation.

5. Parties' Contentions

A. Complainant

The Complainant has a global presence, with 83.000 employees and sales of 19 billion in 2022 and holds, alone or in partnership, world, or regional leadership positions in its core markets.

The disputed domain name reproduces in an identical manner the trademark SAFRAN. Moreover, the term "qroups" is added at the end of the disputed domain name and this term is similar to the term "group" used in several domain names registered by the Complainant. In fact, the letter "g" is replaced by the letter "q", and the term is in the plural form with the letter "s" at the end. As a result, the disputed domain name is confusingly similar to the Complainant's intellectual property rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Respondent is not commonly known by the disputed domain name that is the subject of the Complaint.

The Complainant has not licensed or otherwise right of use of the trademark SAFRAN to the Respondent.

The disputed domain name is used by the Respondent in order for users to be redirected towards the website "affilnk.com" where appears pornographic content.

The Respondent must have been aware of it and cannot reasonably evidence having any legitimate purpose to register the disputed domain name.

The disputed domain name has been registered and is being used in bad faith by the Respondent.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows.

A. Identical or Confusingly Similar

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

The Complainant has provided evidence of its rights in the trademark SAFRAN on the basis of its multiple trademark registrations. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see [WIPO Overview 3.0](#) on WIPO Panel Views on Selected UDRP Questions, (“[WIPO Overview 3.0](#)”), section 1.2.1). Mere addition of the expression “qroups” does not prevent a finding of confusing similarity with the Complainant’s marks. The term “qroups” is a misspelling version of “groups” which suggest a plural number of companies with a commercial link or corporate relationship. As noted in [WIPO Overview 3.0](#), section 1.9: “a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.” Similarly, the generic Top-Level Domain (“gTLD”), in this case “.com”, is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark (see also [WIPO Overview 3.0](#), section 1.11.1).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the overall burden of proof in UDRP proceedings is on the Complainant, previous UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1).

The Panel finds that the Complainant has made a prima facie case showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent is not commonly known under the disputed domain name. The Respondent is not affiliated with the Complainant in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name, and moreover given the alleged use for redirecting the disputed domain to a website with pornographic content.

The Panel notes that the Respondent has not filed any response and thus did not deny the Complainant’s assertions, nor brought any information or evidence for demonstrating any rights or legitimate interests. Accordingly, the Panel finds that the Complainant satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the page 4 owner of the trademark or service mark) or to a competitor of the complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally

attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The Panel finds that the Respondent has registered the disputed domain name and that contains the Complainant's trademark SAFRAN, with the addition of "qroup" similar to "group" only with the change of the letter "q" instead of "g". This kind of conduct is considered as an act of "typosquatting". See *Paragon Gifts, Inc. v. Domain.Contact*, WIPO Case No. [D2004-0107](#) (citing *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#); and *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#) (finding that the practice of "typosquatting", by itself, is evidence of the bad faith registration of a domain name)). The Panel concurs with this approach.

In the Panel's view, the Complainant's mark is widely known and registration by the unrelated Respondent creates a presumption of bad faith in this case. On this subject, section 3.1.4 of the [WIPO Overview 3.0](#) says: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar [...] to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

The Panel finds that Respondent has intentionally attempted to attract for commercial gain Internet users by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, and endorsement of Respondent's scheme. The disputed domain name resolved to a website that displayed pornographic content.

The Panel concludes that the disputed domain name was registered and is being used in bad faith and that consequently, the Complainant has satisfied the requirement under 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 <safranqroups.com> be transferred to the Complainant.

/Daniel Peña/

Daniel Peña

Sole Panelist

Date: March 5, 2024