

## ADMINISTRATIVE PANEL DECISION

General Electric Company v. Korhan Simsek  
Case No. D2024-0912

### 1. The Parties

The Complainant is General Electric Company, United States of America (“United States”), represented by Enns & Archer LLP, United States.

The Respondent is Korhan Simsek, Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <generalelectricgeorgia.com> is registered with IHS Telekom, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 29, 2024. On March 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 2, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 4, 2024, inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 6, 2024.

On March 4, 2024, the Center informed the parties in Turkish and English, that the language of the registration agreement for the disputed domain name is Turkish. On March 6, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in both Turkish and English, and the proceedings commenced on March 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 4, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 9, 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 a widely known and globally active technology, energy and industrial company with its registered seat in the United States. Its roots date back about 150 years. The Complainant provides a wide range of products and services with its approximately 80,000 employees worldwide.

The Complainant is the owner of the GENERAL ELECTRIC trademark, which is registered in a large number of jurisdictions, including in Türkiye, where the Respondent is reportedly located. Among others, the Complainant is the registered owner of the Turkish Trademark Registration No. 126156, registered on June 20, 1991, for GENERAL ELECTRIC, covering protection for a large number of products as protected in classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 19, 21, 27, and 28 (Annex F to the Complaint). On November 7, 2023, the First Intellectual Property Court in Ankara confirmed in a decision that the GENERAL ELECTRIC trademark of the Complainant is well known in Türkiye (Annex P to the Complaint).

The Complainant further operates various domain names comprising its GENERAL ELECTRIC trademark, such as <generalelectric.com>, which is redirecting Internet users to its main company website at <ge.com>.

The disputed domain name was registered on November 22, 2023.

Previously, the disputed domain name resolved to a website in predominantly Turkish and partly English language, purportedly offering, inter alia, security camera and fire alarm systems. All product listings resolved to static product images with no product specifications, no pricing and no option to order any of the products (Annexes B and H to the Complaint).

After filing of the Complaint, the disputed domain name resolved to a predominantly blank website with the headline "automatic car washing" in Turkish language.

At the time of this Decision, the disputed domain name resolves to a blank website only.

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

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

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

## 6. Discussion and Findings

### 6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Turkish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant has no knowledge of Turkish and that a requested translation would be time and costs intensive.

In the absence of a response, the Respondent did not make any specific submissions with respect to the language of the proceeding, even though communicated by the Center in Turkish and in English. In addition, as per the evidence provided by the Complainant on record, the disputed domain name used to resolve to a website with a content partly in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel believes that the Respondent will not be prejudiced by a decision being rendered in English, and determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. Section 4.3 of the [WIPO Overview 3.0](#).

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the GENERAL ELECTRIC trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the GENERAL ELECTRIC mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "georgia" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult 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 domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Particularly, the Complainant put forward that the Respondent is neither a business partner of the Complainant nor a licensee of its GENERAL ELECTRIC trademark and that the Respondent is not known by the terms "general electric georgia" or any other similar terms.

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. Particularly, the Respondent did not come forward with any evidence to suggest that the Respondent is commonly known by the disputed domain name.

In addition, the Panel notes that the nature of the disputed domain name, which comprises the entirety of the Complainant's trademark (in combination with the term "georgia"), carries a risk of implied affiliation or association with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent knew or should have known the existence of the Complainant's GENERAL ELECTRIC trademark when registering the disputed domain name, particularly as at that time, the trademark GENERAL ELECTRIC was already well known in Türkiye (Annex P to the Complaint). The choice of the disputed domain name, which indicates an implied affiliation with the Complainant, cannot be reasonably explained other than as a reference to the GENERAL ELECTRIC trademark owned by the Complainant. The Panel is convinced that the Respondent has deliberately chosen the disputed domain name, which comprises the Complainant's long standing GENERAL ELECTRIC trademark in its entirety (in combination with the term "georgia"), with the aim of taking unfair advantage from the reputation of the GENERAL ELECTRIC trademark and attracting national and international customers knowing the Complainant, to its own purportedly offered products.

Furthermore, the Respondent's prior use of the disputed domain name for promoting and purportedly selling electronic products without authorization from the Complainant and without any prominent and accurate disclaimer on the website associated with the disputed domain name describing the (lack of) relationship between the Parties, is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its long standing GENERAL ELECTRIC trademark. In the Panel's view, this already establishes the Respondent's bad faith use of the disputed domain name.

In addition, the Panel accepts the failure of the Respondent to submit a response to the Complainant's contentions as an additional indication for bad faith.

The fact that the disputed domain name currently resolves to a blank website does not prevent a finding of bad faith under the doctrine of passive holding.

The Panel finds that the Complainant has established the third element 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, <generalelectricgeorgia.com>, be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: April 23, 2024