

## **ADMINISTRATIVE PANEL DECISION**

IDEC Energy v. Cyan You  
Case No. D2024-1209

### **1. The Parties**

The Complainant is IDEC Energy, France, represented by Niddam-Drouas Avocats, France.

The Respondent is Cyan You, Hong Kong, China.

### **2. The Domain Name and Registrar**

The disputed domain name <idecenergy.com> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 20, 2024, in connection with four domain names. On March 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names referred to in the Complaint. On March 21, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrants and contact information for the domain names referred to in the Complaint which differed from the named respondents (SUPER PRIVACY SERVICE LTD c/o DYNADOT) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint adding the Registrar-disclosed registrants as formal Respondents and provide relevant arguments or evidence demonstrating that all named registrants are, in fact, the same entity and/or that all disputed domain names are under common control; and/or indicate which domain names will no longer be included in the current Complaint. The Complainant removed three domain names from its initial complaint and filed an amended Complaint on March 29, 2024.

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, and the proceedings commenced on April 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 25, 2024.

The Center appointed Beatrice OnicaJarka as the sole panelist in this matter on April 29, 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 subsidiary of the GROUPE IDEC company, a major company in the real estate sector counting more than 20 companies with expertise in their fields. GROUPE IDEC has become a major actor in its domain and is currently implemented worldwide, in Europe, Asia and America, with more than 450 employees and a turnover of EUR 250/350 million.

The Complainant owns the following trademarks for IDEC ENERGY:

- The registered French trademark No 4626299 filed on February 2, 2020, registered on October 16, 2020, and designating services in classes 35, 37, 39 and 40
- The registered European trademark figurative trademark No. 018517472 filed on July 19, 2021, registered on January 8, 2022, and designating services in classes 35, 37, 39 and 40;

The Respondent, as was disclosed by the Registrar, is Cyan You, Hong Kong, China.

The Respondent has registered the disputed domain name on May 31, 2021.

The disputed domain name is offered for sale at a price of USD 1,000 excluded tax.

#### **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.

Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to the Complainant's registered trademarks.
- The generic Top-Level Domain shall not be taken into account in the comparison analysis.
- The disputed domain name is strictly identical to the Complainant's trademarks IDEC ENERGY since it is reproduced in its entirety without space between the two words.
- The Complainant does not know the Respondent and ascertains that the Respondent is not in any way related to its business, is not one of its distributors, or licensors and does not carry out any activity for or have any business with it.
- The Complainant has not authorized the Respondent to use its trademarks and domain names.
- Such unauthorised use can only be fraudulent and certifies that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

- The disputed domain name was registered primarily for the purpose of selling it to the Complainant as the owner of the trademark or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name. Indeed, the disputed domain name is offered for sale at a price of USD 1,000 excluded tax.

- It would appear that the disputed domain name holder, as was disclosed by the Registrar, is a corporation, the actual holder being Cyan You which demonstrates the Respondent's intention to conceal and therefore characterizes registration of the disputed domain name and use in bad faith.

## **B. Respondent**

Although procedurally summoned, the Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

Further, the entirety of the IDEC ENERGY mark is reproduced within the disputed domain name.

Accordingly, the disputed domain name is identical to the Complainant's IDEC ENERGY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. Although properly summoned, 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.

In addition, the Panel finds that the nature of the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name is offered for sale for valuable considerations for out-of-pocket expense which represents a clear indication of bad faith under Policy. In such circumstances, the Panel finds that no legitimate interests and rights could be associated with the use of the disputed domain name.

Accordingly, 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.

The practice of registering a domain name for subsequent resale, including for a profit, would not by itself support a claim that the Respondent registered the disputed domain name in bad faith with the primary purpose of selling it to Complainant or to its competitor. [WIPO Overview 3.0](#), section 3.1.1.

However, based on the circumstances of the case, it appears that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant as the owner of the trademark or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the domain name. Indeed, the disputed domain name is offered for sale at a price of USD 1,000 excluded tax. Furthermore, the nature of the disputed domain name being identical to the Complainant's trademark further demonstrates the Respondent's bad faith registration and use.

Accordingly, 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 <idecenergy.com> be transferred to the Complainant.

*/Dr. Beatrice Onica Jarka/*

**Dr. Beatrice Onica Jarka**

Sole Panelist

Date: May 13, 2024