

ADMINISTRATIVE PANEL DECISION

AREVA S.A. v. Name Redacted

Case No. D2024-1790

1. The Parties

The Complainant is AREVA S.A., France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <groups-areva.com> is registered with Ligne Web Services SARL (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2024. On April 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 amended Complaint on May 3, 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”).

¹ Respondent appears to have used the name of a third party when registering the disputed domain name. Considering the potential identity theft, the Panel has redacted 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Annex 1 to the Registrar as part of the order in these proceedings and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#)

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 3, 2024.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on June 7, 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 AREVA, a French multinational group specializing in nuclear power and renewable energy, founded on September 3, 2001.

The Complainant is the owner of numerous trade mark registrations for AREVA, including:

- the French Trade Mark registration A AREVA & logo  No. 3591412 registered on January 2, 2009;
- the European Union Trade Mark registration AREVA No. 002478840 registered on October 29, 2004;
- the International Trade Mark registration AREVA No. 783282 registered on November 28, 2001.

The Complainant is also the owner of numerous domain names among which 165 domain names incorporate the trade mark AREVA, including its primary domain name, <areva.com> and the domain name <arevagroup.com>.

The disputed domain name was registered on January 6, 2024.

According to a screenshot provided by the Complainant, at the time of its detection the domain name pointed to a web page that was a copy of a page on the Complainant's website Areva, located on its subdomain <sa.areva.com>. The Complainant's representatives sent three cease-and-desist letters and takedown requests to the Respondent in March 2024, but the Respondent has ignored the Complainant's attempts to resolve this dispute outside of this administrative proceeding. Now the disputed domain name resolves to an inactive website. The Respondent also used the disputed domain name as part of an email phishing scheme. Annexed to the Complaint is an email sent to a potential supplier of the Complainant in which the Respondent impersonates an employee of Areva Group and uses authentic contact details of the Complainant.

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 identical or confusingly similar to its trade marks AREVA. The disputed domain name reproduces the Complainant's trade marks in their entirety, preceded by the term "groups" and a hyphen, and completed by the generic top-level extension ("gTLD") ".com". As a technical condition of registration, the ".com" generic TLD extension should be disregarded in the comparison. According to the Complainant, the group of companies formed by Areva and its subsidiaries and interests, both direct and indirect, is known as "Areva Group", and the fact that the term "groups" is closely linked and associated with the Complainant's brand and trade marks only serves to underscore and increase the confusing similarity between the disputed domain name and the Complainant's trade marks.

Therefore, the disputed domain name is confusingly similar to the Complainant's trade marks and the public will tend to believe that the disputed domain name is related to the Complainant.

Second, the Complainant indicates that the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Complainant holds exclusive rights on the trade marks AREVA granted by multiple intellectual property offices, and the Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given Respondent permission to use its trade marks in any manner, including in domain names. The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests. The Complainant asserts that the Respondent has never been granted any license, nor any authorization to use the trade marks AREVA, including as domain names.

Prior to the takedown requests sent by the Complainant's representatives, the disputed domain name resolved to a website that copied the Complainant's own website which can be found at its subdomain <sa.areva.com>. Referring to this use, the Complainant argues that this exact replica of its own website was created to deceive Internet users into believing that the disputed domain name was associated with the Complainant. This type of impersonation, when the relationship with the Complainant is not properly disclosed cannot be deemed fair use, neither can the creation of fraudulent emails addresses. The Respondent's use of the disputed domain name does not qualify as a bona fide offering of goods and services.

With regard to bad faith registration and use of the disputed domain name by the Respondent, the Complainant notes that its trade marks AREVA are known internationally, with trade mark registrations since 2001, which is well before the Respondent's registration of the disputed domain name on January 6, 2024. By registering a domain name that captures the trade mark AREVA in its entirety, resolving to a website copying the Complainant's own website, while also utilizing the disputed domain name as part of an email phishing scheme, the Respondent has demonstrated a clear knowledge of the Complainant, and its trade mark AREVA. It is not possible to conceive a plausible situation in which the Respondent would have been unaware of the Complainant's trade marks at the time the disputed domain name was registered. Any Internet user mistakenly landing on the website established on the disputed domain name was easily deceived and misled into believing that this website was associated with the Complainant. Such Internet user could unsuspectingly supply the Respondent with personal or financial information as part of the Respondent's phishing scheme. The Respondent also used information to send fraudulent emails to some of the Complainant's business partners, potentially as part of some larger fraudulent scheme. They contained the Complainant's actual address and telephone number as part of the email signature. Such actions indicate that the Respondent intentionally attempted to pass off the website as belonging to the Complainant as part of the Respondent's phishing scheme, thus demonstrating bad faith registration and use. Finally, the Complainant states that the Respondent's bad faith is also evident in its willingness to conceal its identity by registering the domain name anonymously and providing false coordinates to the Registrar, and its failure to respond to attempts by the Complainant representatives to settle the matter prior to these administrative proceedings.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Procedural issue: Language of Proceeding

Pursuant to paragraph 11(a) of the Rules, “[u]nless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceedings shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”

The domain name registration agreement being in French, the default language of the proceedings should logically be French.

However, the Complainant submitted the Complaint in English, along with arguments in support of its request that the proceedings continue in English.

According to the Complainant, the translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter, and such additional delay, considering the obviously abusive nature of the disputed domain name, poses continuing risk to the Complainant. In addition, the word AREVA, which is the dominant portion of the disputed domain name, does not carry any specific meaning in French. In support of the Complaint, the Complainant supplied phishing email evidence, where the Respondent has sent emails in English to the Complainant’s partners and associates, which proves its understanding of English. And finally, before filing the Complaint, the Complainant sent cease-and-desist letters to the Respondent, and the Respondent had ample time and opportunity to respond to such letter and request that communications continue in French. The Respondent neither issued such a request nor responded to the Complainant in any matter whatsoever. Here, in light of the Respondent’s use of the disputed domain name, it would unduly burden the Complainant to have to arrange and pay for translation where the Respondent has demonstrated behavior that disrupts the Complainant’s business and has already required the Complainant to devote significant time and resources to addressing this instance of abuse. Therefore, the Complainant requests the Panel to conduct the proceeding in English.

In a case such as this where the merits are strongly in favor of the Complainant, the Panel does not consider it appropriate to order the Complainant to go to the expense of translating the Complaint. The Panel is satisfied that the Respondent has an understanding of the nature of these proceedings and an opportunity to respond in relation to the language of proceedings and to the merits of the case. Nevertheless, no substantive response was made to the Complaint, nor to the previous cease-and-desist letters. The supplied phishing email evidence, written in English, proves that the Respondent understands English. Accordingly, the Panel determines that English be the language of the proceeding.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the 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 another term, here “groups”, 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. 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.

Panels have held that the use of a domain name for illegal activity here phishing and impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, of all the arguments presented by the Complainant, the Panel notes that the Respondent used the disputed domain name to send fraudulent emails impersonating an employee of Areva Group and using authentic contact details of the Complainant.

Panels have held that the use of a domain name for illegal activity here phishing and impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <groups-areva.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: June 24, 2024