

## ADMINISTRATIVE PANEL DECISION

AREVA S.A. v. Lotfi Saghrawi  
Case No. D2024-1791

### 1. The Parties

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

The Respondent is Lotfi Saghrawi, Tunisia.

### 2. The Domain Name and Registrar

The disputed domain name <areva.website> is registered with Hostinger Operations, UAB (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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) 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 7, 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 May 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2024.

The Center appointed Rodrigo Velasco Santelices 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 a French multinational group specialized in nuclear power and renewable energy. Founded on September 3, 2001, the Complainant is registered under number 712 054 923 with the Business Registry of Nanterre, France. The Complainant underwent a formal name change on May 3, 2007, having previously operated as “Société des Participations du Commissariat à l’Energie Atomique”. The Complainant still maintains ownership of several trademarks under its former name.

In 2017, due to significant restructuring, Areva’s group was reorganized: in the context of its corporate restructuring, Areva has refocused its strategy for the nuclear fuel cycle, under New Areva (currently named Orano), and created a nuclear excellence hub, New NP (currently named Framatome) which has been mostly transferred to EDF. Orano combines all Areva nuclear fuel cycle operations (Mines, Upstream and Downstream activities), under the legal name of New AREVA Holding. Framatome combines the industrial activities related to the design and the supply of nuclear reactors and equipment, fuel assemblies and services to the installed base of Areva NP. The main mission of Areva S.A. is to carry out the operations and commitments to complete the nuclear power plant EPR OL3 reactor project in Finland, with the necessary resources, in compliance with its contractual obligations.

As a result of such a restructure, Areva S.A. became wholly, state-owned by the French government, remaining responsible only for the liabilities related to the Olkiluoto 3 project in Finland.

The Complainant is the owner of AREVA trademark registrations in various offices, such as the United Kingdom Intellectual Property Office (“UKIPO”), the French National Institute for Industrial Property (“FR-INPI”), the United States Patent and Trademark Office (“USPTO”), the European Union Intellectual Property Office (“EUIPO”), and the World Intellectual Property Organization (“WIPO”). These registrations, demonstrate that the Complainant has spent a considerable amount of time and money protecting its intellectual property rights. The trademarks relevant to this particular case are:

AREVA, registered in UKIPO, under number UK00907190358 dated June 05, 2009, in classes 1, 4, 6, 7, 9, 11, 17, 19, 35, 36, 37, 38, 39, 40, 41, 42 and 45.

AREVA & logo, registered in FR-INPI, under number 3591412, dated January 2, 2009, in classes 1, 4, 6, 7, 9, 11, 17, 19, 35, 36, 37, 38, 39, 40, 41, 42 and 45.

AREVA, registered in USPTO, under number 3061460, dated February 28, 2006, in classes 1, 4, 6, 7, 9, 11, 19, 35, 36, 37, 38, 39, 40, 41 and 42.

AREVA, registered in EUIPO, under number 002478840, dated October 29, 2004, in classes 4, 9, 11, 37 and 42.

AREVA, registered in WIPO, under number 783282, dated November 28, 2001, in classes 4, 9, 11, 37 and 42.

A AREVA (logo), registered in WIPO, under number 787894, dated February 05, 2002, in classes 1, 4, 6, 7, 9, 11, 19, 35, 36, 37, 38, 39, 40, 41, 42.

The Complainant is also the holder of numerous domain names, 165 of which contain the mark AREVA, including its primary domain name, <areva.com>, which is currently redirected to Orano’s website where the group manages the fuel cycles activities. The Complainant also owns and manages the website, “www.sa.areva.com”. According to Similarweb, the Complainant’s website at the domain name <areva.com> has a global rank of 4,017,771, with a rank of 298,932 in France where it is headquartered. In summary, the AREVA brand and trademark is well recognized and in its industry. Since its inception, the Complainant has

continuously made significant investments to advertise, promote and protect the AREVA brand and trademark.

The Respondent registered the disputed domain name <areva.website> on October 22, 2023, which is significantly after the Complainant filed for registration of its AREVA trademark with UKIPO, the FR-INPI, the USPTO, the EUIPO, and the WIPO, and also significantly after the Complainant's first use in commerce of its trademark in 2001. The disputed domain name also significantly postdates the Complainant's registration of its <areva.com> domain name on April 13, 1998. The Respondent is using the disputed domain name to direct Internet users to the Registrar's parking page which lacks content.

## **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 it is the owner of trademark AREVA in numerous jurisdictions. Accordingly, it cannot be questioned that the disputed domain name is confusingly similar to the trademark registrations of the Complainant.

The disputed domain name identically adopts the Complainant's AREVA trademarks. Further, the disputed domain name reproduces the AREVA trademarks in its entirety. It is standard practice when comparing a disputed domain name to the Complainant's trademarks, to not take the extension into account, in this case ".website". Thus, any Internet user when visiting a website provided under the disputed domain name will reasonably expect to find a website commercially linked to the owner of the AREVA trademarks.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

### **B. Respondent**

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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark 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. 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. Furthermore, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation 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.

The Complainant’s trademarks were registered many years prior to the registration of the disputed domain name. The Complainant’s AREVA trademark is well-known. Therefore, the Respondent knew or should have known the Complainant’s trademarks when registering the disputed domain name, and the registration of the disputed domain name by the Respondent cannot therefore be a coincidence.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, the composition of the disputed domain name, and the Respondent’s failure to file a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <areva.website> be transferred to the Complainant.

*/Rodrigo Velasco Santelices/*

**Rodrigo Velasco Santelices**

Sole Panelist

Date: June 21, 2024