

ADMINISTRATIVE PANEL DECISION

Idec Energy v. Renan Basparmak
Case No. D2024-2079

1. The Parties

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

The Respondent is Renan Basparmak, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <idecenergysolar.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 May 17, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 18, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 May 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 7, 2024.

The Center appointed Iris Quadrio as the sole panelist in this matter on July 17, 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 GROUPE IDEC, a major player in the real estate sector with more than twenty specialized firms.

The Complainant's main activity is to support IDEC GROUP's subsidiaries in the provision of innovative energy solutions for real estate projects.

In fact, the Complainant's business is currently implemented worldwide, with more than 450 employees worldwide and a turnover of EUR 250/350 million.

The Complainant is the owner of the trademark IDEC ENERGY in many jurisdictions, including French Trademark No. 4626299, IDEC ENERGY, registered on October 16, 2020, for classes 35, 37, 39, and 40; European Union Trade Mark No. 018517472, IDEC ENERGY (figurative), registered on January 8, 2022, for classes 35, 37, 39, and 42. Moreover, the Complainant submitted evidence of a European Union Trade Mark application for IDEC ENERGY SOLAR (figurative), filing no. 018977717, filed on January 24, 2024.

The Respondent is Renan Basparmak.

The disputed domain name was registered on January 24, 2024, and it resolves to a website where the domain name is available for sale.

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.

The Complainant states that the disputed domain name is confusingly similar to its trademark IDEC ENERGY.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, nor is related in any way to the Complainant. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark IDEC ENERGY or apply for registration of the disputed domain name.

More specifically, the Complainant alleges that the Respondent has not used and/or has no demonstrable intention to use the disputed domain names other than to sell the domain name to the Complainant – owner of the IDEC ENERGY trademark – or to a competitor of the Complainant.

Finally, the Complainant has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

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 mark is reproduced in its entirety 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, "solar", 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.

Moreover, the ".com" generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

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.

The Complainant claims not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark IDEC ENERGY, nor is there any other evidence in the case file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name.

Likewise, it does not seem that the Respondent made or is making a legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant demonstrated that the disputed domain name was seemingly registered with the only purpose of selling it. Likewise, the Respondent has not proved any attempt to make a legitimate use of the disputed domain name or a bona fide offer of goods or services.

Further, the Panel notes the composition of the disputed domain name carries risk of implied affiliation. [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.

In such connection, the Complainant submitted evidence to support that the trademark IDEC ENERGY is widely known and was registered and used years before the Respondent registered the disputed domain name. Thus, when registering the disputed domain name, the Respondent most likely knew of and has targeted the Complainant's trademark IDEC ENERGY to generate confusion among Internet users or otherwise take advantage of the Complainant's trademark. Moreover, the choice of additional term "solar", related to the Complainant's area of activity and a trademark application of the Complainant filed on the same day as the disputed domain name was registered, further supports such a finding.

In the present case, the Panel notes that the Respondent has 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 the Complainant. Indeed, as evidenced by the Complainant, the disputed domain name was offered for sale and the minimum price mentioned was USD 2,850. According to paragraph 4(b) of the Policy, the registration of a domain name for the purpose of selling to a complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name is evidence of registration and use in bad faith.

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 <idecenergysolar.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: July 31, 2024