

ADMINISTRATIVE PANEL DECISION

Ile-de-France Mobilités v. maxou, Safine Amani, SelfuGo, ma bite, mabiterecords, dqzdzq dqzdz, qzdzq, ilyes fdsdfsdfsdfs, ilyes, Yahya Hanif, and cdwccdwdcc cdc, jsqk
Case No. D2024-2934

1. The Parties

The Complainant is Ile-de-France Mobilités, France, represented by De Gaulle Fleurance & Associés, France.

The Respondents are maxou, United States of America, Safine Amani, SelfuGo, United States of America, ma bite, mabiterecords, Canada, dqzdzq dqzdz, qzdzq, United States of America, ilyes fdsdfsdfsdfs, ilyes, Canada, Yahya Hanif, Pakistan, and cdwccdwdcc cdc, jsqk, United States of America.

2. The Domain Names and Registrar

The disputed domain names <fr-navigo.com>, <mondedomagementnavigo.com>, <mynavigoconnect.com>, <myremboursementnavigo.com>, <navigo-compensation-fr.com>, <passe-navigo.com>, and <remboursement-navigo-pass.com> (the “Domain Names”) are registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2024. On July 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 19, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 23, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 28, 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 Respondents of the Complaint, and the proceedings commenced on August 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on September 9, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant operates large public transportation services in Paris and its suburbs. It has a budget of EUR 12 billion. Passengers can choose between various subscription offers including the Navigo card. The Navigo card is a transportation pass launched some 20 years ago. Cards can be credited at ticket booths and machines for daily, weekly, monthly or yearly. The Navigo card is used daily by millions. There were more than 11 million Navigo cards sold in 2021.

The Complainant has several trademark registrations, e.g., French trademark NAVIGO No. 4266294 filed on April 20, 2016, and registered on August 26, 2016. The Complainant also owns <navigo.fr>, registered on May 23, 2006, resolving the Complainant’s website in French and English.

The Domain Names have been registered between May 24 and December 29, 2023. The Domain Names have all initially led to webpages presenting themselves as a portal to the Complainant’s customer account. At the time of drafting the Decision, the Domain Names resolved all to error pages, except for <mondedomagementnavigo.com> that resolved to webpage in French offering purchase of gift cards.

5. Parties’ Contentions

A. Complainant

The Complainant argues that the Domain Names are under common control as all the Domain Names are linked. They were all registered with the same Registrar with use of a privacy service and behind it incoherent and/or insulting/absurd personal data listed to conceal identity. The Domain Names are registered in a short time frame and with the same extension “.com”, all reproducing the Complainant’s trademark with the addition of French terms. Most importantly, the Domain Names are all used in a fraudulent activity, i.e. phishing e-mails targeting the Complainant’s clients.

The Complainant provides evidence of trademark registrations and argues that its trademark should be considered as well-known in France. The Complainant’s trademark is reproduced in its entirety in all Domain Names, with the addition of generic terms (such as “connect” and “my”). These additions do not prevent a finding of confusing similarity between the Complainant’s trademark and the Domain Names.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the Domain Names. The Complainant has not authorized the Respondents to use its trademarks in any way. The Respondents are not commonly known by the Domain Names. The Respondents have not made any demonstrable preparations to use the Domain Names in connection with a bona fide offering of goods or services.

The Complainant argues that the Domain Names were registered and are being used in bad faith as the Respondents cannot have been unaware of the Complainant when the Domain Names were registered. The Respondents registered the Domain Names to give the illusion of being a way to access a customer service offered by the Complainant. Moreover, the Respondents have used false contact details when registering the Domain Names. The Complainant documents that the Domain Names have been used for phishing attempts. The current non-use for six of the Domain Names does not alter the bad faith under the passive holding doctrine. The Complainant's prior mark is well known. The Respondents have concealed its/their identity. The Domain Names are clearly confusingly similar to the Complainant's trademark. It is not possible to conceive any plausible legitimate use of the Domain Names by the Respondents. As for <mondedomagementnavigo.com> it is currently used to attract Internet users to a web site, by creating a likelihood of confusion with the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural matter - consolidation

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards to common control, the Panel notes that the Domain Names are registered within a seven-month period, under the same privacy registration service, the same Registrar, and with listed false registrant data. All the Domain Names target the Complainant's trademark and have a similar structure. They resolve all, save one, at present, to error pages. More important, they all appear to have been used in the same phishing scheme.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to as "the Respondent") in a single proceeding.

6.2. Substantive Issues

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See [WIPO Overview 3.0](#), section 1.7. The Complainant has established that it has rights in the trademark NAVIGO. Each Domain Name incorporates the Complainant's trademark in its entirety and the Complainant's trademark is recognizable within the Domain Names. The additions of general terms do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the Domain Names are confusingly similar to the trademark in which the Complainant has rights. The first element of paragraph 4(a) 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. While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Domain Names. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Panel also notes the composition of the Domain Names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. Such impersonation appears to have been the apparent intent of the Respondent given the phishing scheme for which the Domain Names were being put to use, namely an impersonating portal requesting Internet users’ information, which cannot confer rights or legitimate interests upon the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, 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 composition of the Domain Names coupled with the fame of the Complainant’s trademark suggest that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The mere registration of a domain name that is confusingly similar to a well-known trademark, by an unaffiliated entity, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Respondent has failed to provide any evidence of actual or contemplated good faith use of the Domain Names, and no rights or legitimate interests are evident on the record. On the contrary, the Complainant has documented use for phishing purposes. Moreover, the Respondent has not only used a privacy service to mask its details on the publicly available WhoIs, but also provided false underlying contact details, which reinforces an indication of bad faith. The current non-use of the six of the Domain Names does not change the finding of bad faith. As for <mondedomagementnavigo.com>, its use for a commercial website allegedly offering for sale gift cards reflects bad faith registration and use within the meaning of paragraph 4(b)(iv) of the Policy, namely that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Names <fr-navigo.com>, <mondedomagementnavigo.com>, <mynavigoconnect.com>, <myremboursementnavigo.com>, <navigo-compensation-fr.com>, <passe-navigo.com>, and <remboursement-navigo-pass.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 23, 2024