

## **ADMINISTRATIVE PANEL DECISION**

Safran v. Kartheek Batta

Case No. D2024-3044

### **1. The Parties**

The Complainant is Safran, France, internally represented.

The Respondent is Kartheek Batta, India.

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

The disputed domain name <safrangrp.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2024. On July 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 amendment to the Complaint on July 31, 2024.

The Center verified that the Complaint together with the amendment to 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 August 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 27, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on August 30, 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, based in France, is an international high-technology group, operating in the aviation (propulsion, equipment, and interiors), defence, and space markets. The Complainant has a global presence, 92,000 employees, sales of EUR 23.2 billion in 2023, and holds, alone or in partnership, world or regional leadership positions in its core markets.

The Complainant owns registered trademarks for SAFRAN, such as the following:

- the European Union trademark registration number 004535209 for SAFRAN (word), filed on July 11, 2005, registered on August 17, 2009, covering goods and services in International classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42; and

- the International trademark registration number 884321 for SAFRAN (word), registered on August 5, 2005, covering goods and services in International classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42.

The Complainant promotes its trademark through its official websites hosted on domain names such as <safran-group.com> (the main domain name), <safrangroup.com> registered on September 28, 1999, <safrangroup.fr> registered on February 28, 2005, or <safrangroup.org> registered on March 15, 2005.

The disputed domain name was registered on March 5, 2024, and, at the time of filing of the Complaint, according to the Complainant, it was not actively used.

When the Panel visited the website under the disputed domain name, it was used to resolve to a Registrar's parking page with the message "safrangrp.com is parked free, courtesy of GoDaddy.com", and also listing pay-per-click ("PPC") pages with sponsored links.

#### **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 Safran group and SAFRAN mark are internationally known; the disputed domain name is confusingly similar to its trademark and domain names since it reproduces, in an identical manner, the trademark SAFRAN and the term "grp", added at the end of the disputed domain name, term which is similar to the term "group" used in the Complainant's domain names; the Respondent has no rights or legitimate interests in the disputed domain name; the Respondent is not an affiliated company or licensee of the Complainant; the Respondent has registered and is using the disputed domain name in bad faith, the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been 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.

Based on the available record, the Panel finds 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 Panel finds the mark SAFRAN is easily recognizable 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.

While the addition of other terms, here "grp", 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.

The Panel notes that the composition of the disputed domain name, which incorporates the Complainant's mark together with a generic term, i.e. "grp", which represents the common abbreviation of the term "group", is ultimately very similar to the Complainant's company name and domain names and suggests an affiliation with the trademark owner. UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [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 the present case, the Panel notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly since it incorporates the Complainant's mark (registered since at least 2005), company name, and domain names.

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.

At the time of filing the Complaint, according to the Complainant's assertions, the disputed domain name was not actively used.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the composition of the disputed domain name; the Respondent's failure to respond to the present proceedings; the provision of incomplete or inaccurate contact details in the Whois (this being also a breach of the registration agreement), as the Center's written notice of the Complaint couldn't be delivered to the Respondent; and the implausibility of any good faith use to which the disputed domain name may be put by the unaffiliated Respondent, 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.

Further, when the Panel visited the website under the disputed domain name, the disputed domain name resolved to a page providing PPC links promoting various goods and services.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

The Respondent was using without permission the Complainant's trademark, in order to get traffic on its web portal and to misleadingly divert Internet users to third parties' websites, and thus to potentially obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

Particularly with respect to "automatically" generated PPC links, panels have held that a Respondent cannot disclaim responsibility for content appearing on the website associated with the disputed domain name. Neither the fact that such links are generated by a third party, such as the Registrar in this case, nor the fact that the Respondent itself may not have directly profited, would by itself prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.5.

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 <safrangrp.com> be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: September 13, 2024