

ADMINISTRATIVE PANEL DECISION

Talend S.A.S. v. william naveda
Case No. D2024-3790

1. The Parties

The Complainant is Talend S.A.S., France, represented by Abion AB, Sweden.

The Respondent is william naveda, Peru.

2. The Domain Name and Registrar

The disputed domain name <talendfinder.info> 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 September 17, 2024. On September 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 / REDACTED FOR PRIVACY, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 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 September 23, 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 September 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. The Respondent filed Response on October 5, 2024, and sent informal communications on September 24, 2024, October 4, 2024, and October 15, 2024. The Center notified the Commencement of Panel Appointment Process on October 15, 2024.

The Center appointed Adam Taylor as the sole panelist in this matter on October 21, 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 operates a “data integration platform” known as TALEND, with over 7,000 users worldwide.

The Complainant owns a number of registered trade marks for TALEND including Canadian trade mark No. TMA1072733, filed on April 12, 2016, registered on February 14, 2020, in classes 9 and 42.

The Complainant operates a website at “www.talend.com”.

The disputed domain name was registered on September 4, 2024.

The disputed domain name was used to resolve to a log-in page.

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 asserts that the Respondent set out to impersonate the Complainant.

B. Respondent

In an email of September 24, 2024, the Respondent apologised if the disputed domain name had caused any inconvenience or misunderstanding, stating that the Respondent never intended to infringe any rights or cause any harm, and that the Respondent was willing to cooperate and, if necessary, proceed with the immediate deletion of the disputed domain name, in order to resolve the matter amicably.

The Respondent later filed a Response simply stating that the Respondent had initiated cancellation of the disputed domain name.

In an email of October 15, 2024, the Respondent said that he had already deleted the disputed domain name and did not wish to have any further involvement in this matter.

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 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 other terms (here, “finder”) 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant’s services. Such use of the disputed domain name could not be said to be bona fide.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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 considers that the Respondent has intentionally attempted to attract Internet users to its log-in website by creating a likelihood of confusion with the Complainant’s trade mark.

Not only does the disputed domain name include the Complainant’s mark, but the Respondent has used the disputed domain name to resolve to a log-in page without providing any type of information about the website operator. The Panel notes that the Complainant’s website also includes a log-in page, and that the Respondent has not provided any explanation as to the purpose of its log-in page.

Furthermore, while the Respondent denies setting out to infringe the Complainant's rights or cause harm, the Respondent claims to have unilaterally cancelled the disputed domain name and apologises for any inconvenience or misunderstanding arising from the disputed domain name, without attempting to explain, let alone justify, the Respondent's purpose in registering the disputed domain name. In these circumstances, the Panel thinks it reasonable to conclude that on the balance of probabilities the Respondent registered and used the disputed domain name to take unfair advantage of its confusing similarity with the Complainant's trade mark.

The Panel finds that 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 that the disputed domain name <talendfinder.info> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: November 4, 2024