

ADMINISTRATIVE PANEL DECISION

Amadeus IT Group, S.A. v. ERIC FILHASTRE
Case No. D2024-4568

1. The Parties

The Complainant is Amadeus IT Group, S.A., Spain, represented by Ubilibet, S.L., Spain.

The Respondent is ERIC FILHASTRE, France.

2. The Domain Name and Registrar

The disputed domain name <anmadeusintl.info> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2024. On November 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 7, 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 November 8, 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 November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2024.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on December 11, 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, founded in Spain in 1987, is among leading providers of technology solutions and services for the travel industry ecosystem: airlines, airports and ground handlers, car rental agencies, corporations, cruise and ferry operators, hotels and event venues, insurance providers, travel sellers, tourism boards, travellers themselves, and more.

The company holds trademark rights that consist of or predominantly include the term "AMADEUS," including, but not limited to:

- International Registration for the trademark AMADEUS, No. 511594, registered on April 7, 1987, for services in Class 39; and
- European Union registration for the trademark AMADEUS, No. 002069375, registered on August 29, 2005, for goods and services in Classes 9, 12, 16, 35, 36, 38, 39, and 42.

The Complainant holds the domain name <amadeus.com>, registered on November 30, 1992.

The disputed domain name was registered on August 6, 2024. The disputed domain name does not resolve to an active website, however, the Complainant provided evidence suggesting that a subdomain of the disputed domain name had been technically set up to mimic the HTML structures of the Complainant's primary website.

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:

- (1) The disputed domain name is confusingly similar to the Complainant's trademark, since it constitutes a simple and typical typographical variation; it includes the addition of an "n" preceding the letter "m" in the trademark, followed by the term "intl", which is widely accepted in common language use as an abbreviation for "international", therefore being a descriptive term for the purposes of this analysis. The generic Top-Level Domain ("gTLD") ".info" of the disputed domain name is disregarded under the first element confusing similarity test.
- (2) The Respondent has no rights or legitimate interests over the disputed domain name. The Complainant has not authorized, licensed, or allowed the Respondent or any third party to use its trademark in the manner that is being carried out through the disputed domain name or any other way, direct or implicitly, that could lead to their use. The Respondent is not making legitimate use of the trademarks through the disputed domain name.
- (3) The Respondent is acting in bad faith by registering and using the domain with the primary intent of exploiting the likelihood of resulting confusing to the Complainant's trademark and business name for phishing activities targeting the Complainant's clients and stakeholders. This constitutes a clear and direct abuse of the Complainant's trademark and demonstrates the Respondent's bad faith under the Policy.

The Complainant requested that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint.

However, even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

The Panel notes that it conducted limited independent research, as it deemed such information useful for assessing the merits of the case and reaching a decision. Specifically, the Panel investigated the Complainant's company and business activities, the registration date of the Complainant's domain name (which leads to the Complainant's official website), and the prior rights owned by the Complainant. This limited research was conducted in accordance with paragraph 10 of the Rules in order to clarify or confirm matters of public record. [WIPO Overview 3.0](#), section 4.8.

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 mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights

in respect of its AMADEUS mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The addition of the letter “n” preceding the letter “m” in the trademark does not diminish the recognizability of the Complainant’s AMADEUS mark within the disputed domain name. According to [WIPO Overview 3.0](#), section 1.9, a domain name that includes a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for the purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the Complainant’s marks under the Policy, as further supported by [WIPO Overview 3.0](#), section 1.7.

The inclusion of the term “intl” does not prevent the finding of confusing similarity between the disputed domain name and the Complainant’s AMADEUS mark. [WIPO Overview 3.0](#), section 1.8.

The gTLD “.info” in the disputed domain name should be viewed as a standard registration requirement and disregarded. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that 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.

The Panel finds that the Respondent has not been commonly known by the disputed domain name.

As it stands from the available record, the Complainant has not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainant’s mark. The Panel also takes into account that the Respondent is not sponsored by or legitimately affiliated with the Complainant in any way.

There is no evidence to suggest that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

After reviewing the available record, the Panel finds that 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 case and has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name as outlined in the Policy or otherwise.

Noting the above, 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 Complainant asserts that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks. The Respondent has not refuted this contention. The Complainant has valid trademark rights for AMADEUS for decades, and the disputed domain name incorporates a confusingly similar typo-variant of the Complainant's mark. Accordingly, without any evidence to the contrary from the Respondent, the Panel infers that the Respondent was aware of the Complainant at the time it registered the disputed domain name.

The Complainant alleges that the Respondent is acting in bad faith by registering and using the disputed domain name with the primary intent of exploiting the likelihood of confusion with the Complainant's trademark and business name for phishing activities targeting the Complainant's clients and stakeholders. The Complainant has provided evidence suggesting that a subdomain of the disputed domain name, incorporating the name of one of the Complainant's platform services, had been technically set up to mimic the HTML structures of the Complainant's primary website. While the evidence provided in the case file is insufficient for the Panel to conclusively determine the validity of the Complainant's allegations regarding an alleged related fraudulent email campaign, the Panel is at least able to infer from the purported activation of such subdomain that the Respondent was aware of the Complainant and sought to take advantage in some way of the similarities between the disputed domain name and the Complainant's trademark and name.

Nonetheless, the Respondent's passive holding of the disputed domain name does not prevent a finding of bad faith. Prior panels have recognized that passive holding of a domain name (*i.e.*, where the domain name does not resolve to any website) may not prevent a finding of bad faith when assessing the totality of the circumstances. While 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, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. See section 3.3 of the [WIPO Overview 3.0](#). All of these conditions seem to have been met in the current proceedings.

The Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good faith use, and indeed none would seem plausible.

Based on these circumstances and the evidence presented, 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 <anmadeusintl.info> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: December 23, 2024