

ADMINISTRATIVE PANEL DECISION

Atos S.E. v. Host Master, Njalla Okta LLC

Case No. D2025-0280

1. The Parties

The Complainant is Atos S.E., France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Names and Registrar

The disputed domain names <atos-capital.com>, <atos-funds.com>, <atosfunds.com>, <atos-ventures.com> are registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 24, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed 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 January 28, 2025, 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 January 28, 2025.

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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on March 14, 2025. 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 in these administrative proceedings is ATOS S.E. Founded in 1997, the Complainant is an information technology services provider with headquarters in Bezons, France. The Complainant is an SE (Societas Europaea) and is listed on Euronext Paris. It has 82,000 employees and reported annual revenues of EUR 11 billion in 2023. The Complainant is one of the leading companies in cybersecurity, cloud and high-performance computing. The Complainant provides tailored end-to-end solutions for all industries in 70 countries.

The Complainant has numerous registrations for the ATOS trademark around the world. The Complainant is, inter alia, the owner of the following:

United Kingdom trademark registration number UK00900497016 for the ATOS (word) trademark registered on February 15, 2000, covering goods and services in classes 9, 16, 35, 36, 37, 38, 41, and 42;

International trademark registration number 1089066 for the ATOS (word) trademark registered on July 11, 2011, covering goods and services in classes 9, 35, 38 and 42.

The Complainant also has a brand presence online and operates from its primary website "www.atos.net" (registered on June 6, 1997). According to Similarweb.com, the Complainant's primary website has received an average total of 383,400 visits during the three-month period from September 2024 to November 2024.

The disputed domain names were registered during the period ranging from May 1, 2024 to November 18, 2024.

The disputed domain names currently resolve to blank or inaccessible pages and lack content. However, from the submissions provided by the Complainant, it appears the Respondent has previously used the disputed domain names <atosfunds.com>, <atos-funds.com> and <atos-ventures.com> to host websites featuring the Complainant's ATOS trademark and logo (including, in the case of the domain name <atosfunds.com>, a login form) to promote cryptocurrency investment products and services.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the ATOS trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and particularly that the Respondent used the disputed domain names <atosfunds.com>, <atos-ventures.com> and <atos-funds.com> to promote high-risk cryptocurrency investment products and services along with "Sign in" or login page(s) which could potentially result in the Complainant's customers providing the Respondent with their private login details or other personal information thinking they were logging into the official websites of the Complainant. The Complainant thus emphasizes that such conduct is best characterized as "phishing", and that the Respondent's use of the disputed domain names to impersonate the Complainant for the purpose of engaging in a phishing scheme to acquire personal and confidential information is not a bona fide offering of goods or services or a legitimate noncommercial or fair

use according to the Policy, paragraphs 4(c)(i) or (iii). Furthermore, the Complainant affirms that by using the disputed domain names <atosfunds.com>, <atos-ventures.com> and <atos-funds.com> to display the Complainant's logo, it is implausible that the Respondent was unaware of the Complainant's renowned trademark when it registered the disputed domain names. Finally, the Complainant contends that the Respondent's efforts to masquerade as the Complainant in an attempt to solicit personal information from unsuspecting people constitutes fraud and this must be considered evidence of bad faith registration and use of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain names, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are 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 entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are 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, hyphens and the terms "capital", "funds" and "ventures", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 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 disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

In the present case, the Panel notes that, on the balance of probabilities, the Respondent was aware of the Complainant's trademark registrations and rights to the ATOS trademark when it registered the disputed domain names. The disputed domain names contain the Complainant's registered ATOS trademark in its entirety, without any authorization or approval.

The disputed domain names were registered over two decades after the Complainant registered its ATOS trademark. In addition, taking into account the use of the disputed domain names to resolve to websites displaying the Complainant's trademark and logo, and the absence of a rebuttal from the Respondent of the Complainant's claims, this Panel believes that it is more likely than not that the Respondent, when registering the disputed domain names, had knowledge of the Complainant's earlier rights to the ATOS trademark.

Further, by using the disputed domain names, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Moreover, panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, constitutes bad faith ([WIPO Overview 3.0](#), section 3.4). Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

Finally, 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 distinctiveness or reputation of the Complainant's trademark and the composition of the disputed domain names and previous use of the disputed domain names <atosfunds.com>, <atos-funds.com> and <atos-ventures.com>, and finds that in the circumstances of this case, the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 names <atos-capital.com>, <atos-funds.com>, <atosfunds.com>, and <atos-ventures.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: March 28, 2025