

## **ADMINISTRATIVE PANEL DECISION**

Dassault Systèmes SE v. Javad Joneidi  
Case No. DIR2024-0013

### **1. The Parties**

The Complainant is Dassault Systèmes SE, France, represented IP Twins, France.

The Respondent is Javad Joneidi, Iran (Islamic Republic of).

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

The disputed domain name <catiaa.ir> is registered with IRNIC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2024. On October 22, 2024, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On October 25, 2024, IRNIC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. Hard copies of the Complaint were received by the Center on October 29, 2024.

The Center verified that the Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 30, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was November 19, 2024. On October 31, 2024, the Respondent sent an informal email. However, no formal response was filed. Therefore, on November 20, 2024, the Center notified to the Parties that it would proceed with panel appointment.

The Center appointed Jeremy Speres as the sole panelist in this matter on November 22, 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 specialises in developing software for 3D design, with one of its primary products – CATIA - having launched in 1981, being in widespread use in the global automobile and aerospace industries, amongst others. The Complainant’s CATIA mark has been recognized as being well known by prior panels under the Policy. See *Dassault Systèmes v. Francis Raynald Grenier and Cadmos LLC*, WIPO Case No. [D2002-0049](#).

The Complainant’s CATIA mark is registered in numerous jurisdictions, including International Trademark Registration No. 1004961 CATIA in classes 9, 16, 38, 41, and 42, having a registration date of December 19, 2008.

The disputed domain name was registered on April 30, 2017, and does not currently resolve to an active website. The Complainant’s evidence establishes that the disputed domain name previously resolved to a website in Persian offering training services for the Complainant’s CATIA product.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name was registered and used in bad faith in order to take advantage of confusion with the Complainant’s well-known CATIA trade mark.

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

The Respondent’s informal response was as follows: “The ‘catiaa.ir’ domain has been removed”.

#### **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 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.<sup>1</sup>

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 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. The disputed domain name is nearly identical to the mark apart from incorporating an additional letter “a”. A domain name which consists of a common, obvious, or intentional misspelling of a trademark, as in this case, is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

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<sup>1</sup> Given the similarities between the .IR Policy and Rules and the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and Rules, the Panel finds it appropriate to refer to UDRP jurisprudence, including reference to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), except to the extent of relevant differences between the policies, such as the absence of a conjunctive requirement for bad faith.

## **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 such 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 general impression created by the website to which the disputed domain name resolves is that it is an official presence for the Complainant’s own training services. The site does not clarify that it is operated by a third party unconnected with the Complainant. To this extent it does not meet the requirements of the well-known “Oki Data test” given that the site does not accurately and prominently disclose the Respondent’s relationship with the Complainant. *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); and [WIPO Overview 3.0](#), section 2.8.

The Panel finds the second element of the Policy has been established.

## **C. Registered or 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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of confusion with the Complainant’s mark for the Respondent’s commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Complainant’s evidence establishes that its mark was well known long prior to registration of the disputed domain name. Panels have consistently found that registration of a domain name that is confusingly similar (particularly domain names comprising typos, as in this case) to a famous or 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 disputed domain name’s website creates the impression, through prominent use of the Complainant’s CATIA mark as well as screenshots ostensibly taken of the Complainant’s CATIA software, that it is an official presence of the Complainant. There is nothing on the website indicating that it is operated independently to the Complainant and is not associated with the Complainant. As a result, a user viewing the disputed domain name’s website is left with the impression that it is operated by the Complainant, which clearly points to bad faith targeting.

The composition of the disputed domain name, featuring a typosquatting variant of the Complainant’s well-known CATIA mark, strengthens the conclusion that the Respondent had the Complainant in mind when registering and using the disputed domain name. [WIPO Overview 3.0](#) at section 3.2.1.

The fact that the disputed domain name does not currently resolve to any website does not prevent a finding of bad faith under the doctrine of passive holding; all the factors that panels typically consider under that doctrine, apart from concealing of identity, favour the Complainant. [WIPO Overview 3.0](#), section 3.3.

The Panel draws an adverse inference from the Respondent's failure to meaningfully take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <catiaa.ir> be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: November 29, 2024