

## **ADMINISTRATIVE PANEL DECISION**

**IPSOS v. ROBERT HINDMAN**

**Case No. D2023-2859**

### **1. The Parties**

The Complainant is IPSOS, France, represented by Novagraaf France, France.

The Respondent is ROBERT HINDMAN, United States of America.

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

The disputed domain name <ipsosinfo.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 5, 2023. On July 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 5, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 7, 2023 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 July 10, 2023.

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 July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 10, 2023.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on August 31, 2023. 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 is the proprietor of the following trademark registration:

- European Union trademark registration No. 018161418 for IPSOS (figurative), registered May 22, 2020; and
- European Union trademark registration No. 005583621 for IPSOS (word), registered January 10, 2008.

Further, the Complainant is the registrant of the domain name <ipsos.com> registered May 27, 1998.

The Domain Name was registered March 30, 2023. According to the Complaint, the Domain Name was passively held by the Respondent. At the time of this Decision, the Domain Name does not resolve to any active website.

#### **5. Parties' Contentions**

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

The Complainant asserts, substantially, the following:

The Domain Name is confusingly similar to the Complainant's IPSOS trademark.

The Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has never authorized registration of the Domain Name and the Respondent is not linked to the Complainant. Moreover, MX servers are configured on the Domain Name. It is possible that the Respondent has created an email address in order to send fraudulent emails to customers, service providers, suppliers, pretending to be the Complainant to collect personal data, or to place orders in the name of the company or share information about them. In addition, the Respondent could not have been unaware of the Complainant and its activity, since it is a global leader in the surveys field. Indeed, the Complainant is headquartered in France and has a presence in more than 90 countries all around the world. Accordingly, the Complainant is the third largest company in its field of activity and has more than 16,000 employees all around the world. This company has a turnover of more than 1,837.4 million of euros and more than 5,000 clients. Therefore, the Respondent obviously knew that he violated the prior rights of the Complainant when he registered the Domain Name.

In light of the notoriety of the Complainant and its trademarks, the Domain Name was registered and is being used in bad faith.

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

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

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

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

- (i) that the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- (ii) that the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) that the Domain Name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Complainant has established that it holds trademark rights in relation to IPSOS.

The Domain Name incorporates IPSOS in its entirety, while adding the term “info”. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. Further, it is well established that “.com”, as a generic Top-Level-Domain, is typically disregarded in the assessment of confusing similarity (see section 1.11.1 of the [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, in accordance with paragraph 4(a)(i) of the Policy.

#### **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, a complainant must first make out a *prima facie* case showing that the respondent lacks rights or legitimate interests in respect of a disputed domain name and then the burden, in effect, shifts to the respondent to come forward with evidence of its rights or legitimate interests. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1).

Considering the evidence presented in the case, and the Complainant’s un rebutted contentions that the Respondent has no rights or legitimate interests in the Domain Name, the Panel finds that the Complainant has made out an undisputed *prima facie* case.

The Panel finds that the Complainant has established that the Respondent lacks rights or legitimate interests in the Domain Name, in accordance with paragraph 4(a)(ii) of the Policy.

#### **C. Registered and Used in Bad Faith**

The Complainant’s rights to the IPSOS trademark were obtained well before the Respondent’s registration of the Domain Name. Further, considering the notoriety of the Complainant and of its IPSOS trademark, the Respondent must have been aware of the Complainant and its IPSOS trademark when registering the Domain Name. Furthermore, the Domain Name is not being used, which is perceived by the Panel as a passive holding of the Domain Name by the Respondent. Non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding (see [WIPO Overview 3.0](#), section 3.3).

Considering the above and all facts in the case, the Panel finds that the Domain Name was registered and is being used in bad faith.

#### **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 Domain Name <ipsosinfo.com> be transferred to the Complainant.

/Jonas Gulliksson/

**Jonas Gulliksson**

Sole Panelist

Date: September 14, 2023