

ADMINISTRATIVE PANEL DECISION

Safran v. Contact Privacy Inc. Customer 12410201175 / TELESPhORE
LAUREAL

Case No. D2022-0536

1. The Parties

The Complainant is Safran, France, represented internally.

The Respondent is Contact Privacy Inc. Customer 12410201175, Canada / TELESPhORE LAUREAL, France.

2. The Domain Name and Registrar

The disputed domain name <group-safran.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2022. On February 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 2022, 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 amendment to the Complaint on February 28, 2022.

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 March 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 22, 2022.

The Center appointed Christophe Caron as the sole panelist in this matter on April 8, 2022. 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 Safran, a French multinational high-technology group, operating in the aviation, defense and space markets.

The Complainant owns several trademarks SAFRAN, including:

- the European Union verbal trademark No 004535209 SAFRAN registered on August 17, 2009;
- the International verbal trademark No 884321 SAFRAN registered on August 5, 2005.

The Complainant also owns several domain names, including the domain name <safran-group.com>.

The disputed domain name <group-safran.com> was registered on May 14, 2021, and does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant makes the following contentions.

Identical or Confusingly Similar

First, the Complainant contends that the disputed domain name <group-safran.com> reproduces identically its trademark SAFRAN.

Then, the Complainant states that the disputed domain name reproduces the same components "safran" and "group" of the ones of its domain name and that these two terms "safran" and "group" are totally identical but reversed from its use on its domain names.

The Complainant considers that this combination refers directly to its company since medias often refer to the "Safran Group".

Thus, the Complainant states that an uninformed Internet user, looking for information about Safran could legitimately think that the disputed domain name belongs to the Complainant. For the Complainant, there is a real likelihood of confusion in the minds of the Internet user who could wrongly think that the disputed domain name is owned by the Complainant.

For the above-mentioned reasons, the Complainant states that the disputed domain name <group-safran.com> is confusingly similar to its intellectual property rights.

Rights or Legitimate Interests

The Complainant asserts that it has no relationship with the Respondent and that it has not granted any rights of use on its trademark SAFRAN to the Respondent.

In addition, the Complainant states that the Respondent does not use the disputed domain name, nor a name corresponding to the domain name in connection with a good faith offer of products or services and

that the Respondent is not commonly known by the disputed domain name.

Considering these elements, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Registration and Use in Bad Faith

The Complainant contends that the Respondent must have been aware of its trademark and its group since they are internationally known.

Moreover, the Complainant states that the Respondent cannot reasonably evidence having any legitimate purpose to register the disputed domain name.

In addition, the Complainant indicates that the non-use of the disputed domain name does not prevent a finding of bad faith.

For the above-mentioned reasons, the Complainant concludes that the disputed domain name is registered in bad faith by the Respondent.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated 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; and
- (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.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to trademarks registered by the Complainant.

The Complainant owns European and International verbal trademarks SAFRAN registered in 2009 and 2005.

The trademark SAFRAN is entirely reproduced in the disputed domain name <group-safran.com>.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is not relevant under the first element confusing similarity test. This is also the case for the additional descriptive term "group", referring to the components of the Complainant's domain names, which does not prevent a finding of confusing similarity (See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel therefore finds that the disputed domain name is confusingly similar to the registered trademarks SAFRAN in which the Complainant has rights.

Thus, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

This Panel is satisfied that the Respondent has no relationship with the Complainant and that this latter has not granted any rights of use of its trademark SAFRAN to the Respondent.

Furthermore, the Respondent does not use the disputed domain name.

Hence, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that the requirement of paragraph 4(a)(ii) of the Policy is also satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent has registered and is using the disputed domain name in bad faith.

Regarding the international reputation of the group of the Complainant and the SAFRAN trademarks, the Respondent could not have ignored them at the time of the registration.

Then, the Respondent does not use the disputed domain name. UDRP panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (See section 3.3 of the [WIPO Overview 3.0](#)).

For all these reasons, it appears to this Panel that the disputed domain name <group-safran.com> has been registered and is being used in bad faith.

The Panel therefore finds that paragraph 4(a)(iii) of the Policy is also satisfied.

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, <group-safran.com>, be transferred to the Complainant.

/Christophe Caron/
Christophe Caron
Sole Panelist
Date: April 15, 2022