

ADMINISTRATIVE PANEL DECISION

G4S Limited v. Christian Eggendorfer, Eggendorfer Dienstleistungs GmbH
Case No. D2022-0611

1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Christian Eggendorfer, Eggendorfer Dienstleistungs GmbH, Austria.

2. The Domain Name and Registrar

The disputed domain name <g4s.wien> is registered with Ascio Technologies Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 22, 2022. On February 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2022.

The Center appointed Knud Wallberg as the sole panelist in this matter on April 19, 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 a global security company that provides security and facility services in around 80 countries across the world. It has been operating under its current name G4S (or Group 4 Securicor) since 2004, and presently has a network of more than 800,000 employees globally.

The Complainant is the owner of the following trademark registrations for the sign G4S (the “G4S trademark”):

- the International trademark G4S with registration No. 885912, registered on October 11, 2005, for goods and services in International Classes 1, 5, 6, 9, 16, 35, 36, 37, 38, 39, 41, 42, 44, and 45;
- the United States trademark G4S with registration No. 3378800, registered on February 5, 2008 for goods and services in International Classes 9, 39, and 45; and
- the European Union Trade Mark G4S with registration No. 015263064, registered on September 20, 2016, for goods and services in International Classes 6, 36, and 37.

The Complainant is also the owner of the domain name <g4s.com> registered on December 1, 1999, which resolves to the Complainant’s main website, as well as a number of country-code Top-Level domain names, including <g4s.at>.

The disputed domain name was registered on November 23, 2021, and resolves to a website, which *inter alia* displays the wording “You see this page because there is no Web site at this address”.

5. Parties’ Contentions

A. Complainant

The Complainant submits that the disputed domain name is identical to its G4S trademark, since it incorporates the trademark in its entirety, without alteration or addition.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not registered any trademarks for G4S and has not been licensed by the Complainant to register domain names featuring the G4S trademark. According to the Complainant, the Respondent is not known by the G4S trademark and is not affiliated with the Complainant. The Complainant also submits that the Respondent has not used the disputed domain name in connection with a *bona fide* offering of goods or services, as it has only been used to resolve to a landing page, which *inter alia* displays the wording “You see this page because there is no Web site at this address”.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant points out that the earliest registration of the G4S trademark predates the registration of the disputed domain name by more than 17 years, and the Respondent was or should have been aware of the Complainant when registering the disputed domain name. This is supported by the fact that the Respondent has been found to operate a website from “www.bewachungsunternehmen.at”, where the Respondent allegedly offer security services, like concierge, patrol, and protection services, as well as some courier services, such as transport of money and other valuables, which clearly indicates that the Respondent’s main services are directly competing with the Complainant’s services.

The Complainant also submits that the Respondent has engaged in a pattern of abusive conduct by registering other domain names that reflect third party trademarks.

The Complainant finally contends that the Respondent’s non-use of the disputed domain name constitutes bad faith use for the purposes of the Policy under the doctrine of passive holding. Since the registration of

the disputed domain name, there is no evidence that the Respondent uses or intends to use the disputed domain name in good faith and that the Respondent is unlikely to do so going forward, based on the acclaimed reputation of the “G4S” brand. The Complainant notes that it sent cease-and-desist correspondence to the Respondent on December 1, 2021, and that the Respondent’s persistent failure to respond to the Complainant’s cease-and-desist letter supports a finding of bad faith registration and use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is identical (in the sense of the Policy) to the Complainant’s registered G4S mark.

The disputed domain name thus consists of the Complainant’s G4S mark in its entirety. The generic Top-Level Domain (“gTLD”) “.wien” is a standard registration requirement, and as such is generally disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.0](#).

The Panel finds that the conditions in paragraph 4(a)(i) of the Policy are therefore fulfilled in relation to all the disputed domain names.

B. Rights or Legitimate Interests

It is clear from the facts of the case that the Complainant has not licensed or otherwise permitted the Respondent to use its trademark and given the circumstances of this case, the Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent has not produced, and there is no evidence of the types of circumstances set out in paragraph 4(c) of the Policy that might give rise to rights or legitimate interests in the disputed domain name on the part of the Respondent in these proceedings.

Consequently, the Panel finds that the condition in paragraph 4(a)(ii) of the Policy is also fulfilled.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove both registration and use of the disputed domain name in bad faith. Paragraph 4(b) of the Policy provides examples of circumstances which shall be evidence of registration and use in bad faith:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

Accordingly, for the Complainant to succeed, the Panel must be satisfied that the disputed domain name has been registered and is being used in bad faith.

Given the circumstances of the case, including the evidence on record of the use and reputation of the Complainant's trademark G4S, and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's mark. This is substantiated by the fact that the Respondent appears to be operating a business within the same sector as the Complainant. The Panel therefore finds that the Respondent could not have been unaware of the fact that it chose a domain name, which could attract Internet users in a manner that is likely to create confusion for such users. Moreover, noting the Respondent's competitive operations, it is also likely that the Respondent registered the disputed domain name with the intent of disrupting the business of the Complainant.

The Panel therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name does not resolve to an active webpage, nor does it seem to have been actively used in other ways. However, as first stated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and repeated in many subsequent decisions under the UDRP: "the concept of a domain name 'being used in bad faith' is not limited to positive action; inaction is within the concept. That is to say, it is possible, in certain circumstances, for inactivity by Respondent to amount to the domain name being used in bad faith." See section 3.3 of the [WIPO Overview 3.0](#).

Noting that the disputed domain name incorporates the Complainant's distinctive and reputed trademark G4S and the gTLD ".wien", that no Response has been filed, that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain name, that the Respondent's registration prevents the Complainant from reflecting its G4S mark in a corresponding domain name under the ".wien" gTLD, and considering all the facts and evidence of the case, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

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, <g4s.wien> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: May 6, 2022