

ADMINISTRATIVE PANEL DECISION

**Elecnor, S.A. v. Privacy Protection / Premium Domain Seller, YUHUAYUAN,
BEIJINGDONGLU, HUAIYINQU
Case No. D2022-1534**

1. The Parties

The Complainant is Elecnor, S.A., Spain, represented by Clarke, Modet y Cia., S.L., Spain.

The Respondent is Privacy Protection, United States of America / Premium Domain Seller, YUHUAYUAN, BEIJINGDONGLU, HUAIYINQU, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2022. On April 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 29, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 amended Complaint on May 3, 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 May 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 25, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 1, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant operates in project development, engineering and construction in a number of industries from electricity, gas, industrial plants, railways, telecommunications, water, control systems and maintenance to aerospace engineering. It is active in more than 50 countries, and employs some 20,000 people.

The Complainant owns numerous trademark registrations for its ELECNOR brand, registered before the registration of the Domain Name, for example, Spanish trademark number 1159100, registered on June 5, 1987. The Complainant also owns numerous domain names, such as <elecnor.uy>, <elecnor.me>, and <elecnor.com>.

The Domain Name was registered on March 1, 2022. At the time of the Complaint, and at the time of drafting the Decision, the Domain Name redirected to a webpage offering the Domain Name for sale.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registration, and asserts that the Domain Name is identical to the Complainant's trademark and business name.

The Complainant also asserts that the Respondent has made no *bona fide* offering of goods and services, the Respondent is not commonly known by the Domain Name, and is not making noncommercial fair use of the Domain Name. Accordingly, the Respondent cannot establish rights or legitimate interests in the Domain Name. The Complainant argues that the trademark ELECNOR is not one that traders could adopt without creating an impression of an association with the Complainant.

The Complainant argues that the Respondent knew of the existence of the Complainant and its trademarks when the Respondent registered the Domain Name. The Domain Name is identical to the Complainant's registered trademark. The Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not replied to the Complainant's cease and desist letter. Moreover, the Respondent offers the Domain Name for sale.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark ELECNOR. The Domain Name is identical to the Complainant's trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.

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

B. Rights or Legitimate Interests

The Complainant has put forward un rebutted assertions that the Respondent has no rights or legitimate interests in the Domain Name, and there is no evidence that the Respondent can establish rights or legitimate interests in the Domain Name. The Respondent is not commonly known by the Domain Name, and is not making noncommercial fair use of the Domain Name. The Respondent has used to the Domain Name to redirect to a webpage that offers the Domain Name for sale. This is not *bona fide*, but rather, under the circumstances of this case, evidence of bad faith, see below.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Noting *inter alia* the distinctiveness of the ELECNOR trademark, the Panel finds it probable that the Respondent was aware of the Complainant when the Respondent registered the Domain Name.

The Domain Name is identical to the Complainant's registered trademark, and the Respondent has not provided any evidence of good faith use. Moreover, the Respondent offers the Domain Name for sale, and, under the circumstances of the case, it points to bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <elecnor.xyz> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: June 15, 2022