

## **ADMINISTRATIVE PANEL DECISION**

**Airbus SAS v. Privacy service provided by Withheld for Privacy ehf /  
Greatness Achunike  
Case No. D2022-1808**

### **1. The Parties**

The Complainant is Airbus SAS, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Greatness Achunike, Nigeria.

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

The disputed domain name <airbusglobal.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 19, 2022. On May 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 19, 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 June 13, 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 June 17, 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 June 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 11, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default July 22, 2022.

The Center appointed Maier, Steven A., as the sole panelist in this matter on July 29, 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 corporation headquartered in France. It is a supplier of aerospace technology, including commercial aircraft, helicopters and products in the defence and space sectors.

The Complainant is the owner of numerous registrations for the trademark AIRBUS. Those registrations include, for example:

- International trademark registration number 1112012 for the word mark AIRBUS, registered on June 24, 2011, for goods and services in various International Classes; and
- Nigeria trademark registration number 016199 for the word mark AIRBUS, registered on December 20, 2013, for goods in International Class 12.

The disputed domain name was registered on February 2, 2022.

The Complainant has provided evidence that the disputed domain name has resolved to a website at “www.airbusglobal.com”, headed “AIRBUS GLOBAL” and representing itself as a freight transportation company based in the United States of America (the “United States”).

At the date of this Decision, the disputed domain name did not resolve to any active website.

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

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

The Complainant states that it was founded in 1970. It submits that it is a global pioneer in the aerospace industry and has been a leader in the design, manufacture and delivery of aerospace products for over 50 years. It states that it employs over 130,000 individuals in roughly 180 locations worldwide and provides further information concerning its history and business profile. The Complainant states that it operates a website at “www.airbus.com” which received over 1.5 million individual visits in December 2021.

The Complainant submits that its AIRBUS trademark is internationally known as a result of the above matters. It also cites previous decisions under the UDRP, including *Airbus SAS, Airbus Operations GmbH v. Alesini Pablo Herman / PrivacyProtect.org*, WIPO Case No. [D2013-2059](#), in which the panel referred to “the strong international reputation of the Airbus Group”.

The Complainant submits that the disputed domain name is confusingly similar to its AIRBUS trademark. It contends that the disputed domain name incorporates that trademark in full, together with the generic and descriptive term “global”, which is in fact closely linked with the Complainant’s brand and trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never licensed or authorized the Respondent to use its AIRBUS trademark, that the Respondent is not known by that name, and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that it offers “material management services” as part of its own business activities and contends that the Respondent is attempting to trade off the goodwill which attaches to the AIRBUS trademark by creating customer confusion and offering services which are related to, or even compete with, those of the Complainant.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that, given the fame and notoriety of the AIRBUS trademark and the association of that name with transportation, it is implausible that the Respondent was unaware of the Complainant’s trademark. The Complainant submits that any Internet search for “airbus global” returns multiple results referring to the Complainant. The Complainant further submits that, by adding the term “global” to its AIRBUS trademark, the Respondent has demonstrated a familiarity with the Complainant’s brand and business, and that the disputed domain name impersonates the Complainant by suggesting that it relates to a global version of the Complainant’s official website. The Complainant adds that this is a case in which the disputed domain name is so obviously connected with its well-known AIRBUS trademark as to represent “opportunistic bad faith” (see *e.g. Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#)).

The Complainant submits that the Respondent has used the disputed domain name to create customer confusion with the Complainant’s AIRBUS trademark and to promote services that compete with the Complainant’s own logistics and materials management services. The Complainant refers to the content of the Respondent’s website, including telephone contact details at “+1-AIRBUSGLOBE” and “+44-AIRBUSGLOBE”, which it submits will further increase the likelihood of confusion with the Complainant.

The Complainant adds that the Respondent has configured mail exchanger records upon the disputed domain name which creates a risk that emails could be sent to unsuspecting users who will believe them to be from the Complainant.

The Complainant refers to the Respondent’s use of a privacy service and exhibits a “cease and desist” communication which it sent to that privacy service on April 12, 2022. The Complainant submits that the Respondent’s failure to respond to that communication is further evidence of its bad faith.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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**

The Complainant has established that it is the owner of registered trademark rights in the mark AIRBUS. The disputed domain name wholly incorporates that trademark, together with the dictionary term “global” which does not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

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

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Respondent has purported to use the disputed domain name for the purpose of a website representing a freight transportation company named “AIRBUS GLOBAL”. However, on reviewing the website content submitted by the Complainant, the Panel is not persuaded that this represents a *bona fide* business. The website claims that the company was founded in the Greater Chicago area in 1999 and thanks customers for their “25 [sic] years of trust”, yet the Panel was unable to find any reference to any such company on conducting a basic Internet search. Furthermore, the Respondent’s website refers in numerous instances to the services provided by another, existing, logistics company, which suggests to the Panel that the Respondent has carelessly copied content from that other company’s promotional materials.

Having concluded on balance that the Respondent’s website does not represent any *bona fide* commercial venture, and in the absence of any explanation from the Respondent, the Panel can only infer that the Respondent registered the disputed domain name in order to target, and to take unfair advantage of, the Complainant’s AIRBUS trademark, which cannot give rise to rights or legitimate interests. The Panel finds, therefore, that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Panel finds the Complainant’s AIRBUS trademark to be distinctive and widely known and to have established a worldwide reputation in the aerospace sector. In the light of these factors, the Panel’s findings above and the Respondent’s silence in this proceeding, the Panel cannot accept that the Respondent’s registration of the disputed domain name was merely coincidental and related to a genuine business venture. The Panel finds, therefore, that the Respondent registered the disputed domain name with knowledge of the Complainant and its AIRBUS trademark and with the intention of taking unfair commercial advantage of the goodwill attaching to that trademark.

The Panel accepts the Complainant’s submission that the disputed domain name is misleading in suggesting to Internet users that it represents a global or worldwide site relating to the Complainant’s business. The Panel finds in these circumstances that Internet users are likely to be attracted to the Respondent’s website in the mistaken belief that it is owned or operated by, or otherwise commercially affiliated with, the Complainant. While the Panel is unable to reach any conclusions as to whether the Respondent ultimately intended (for example) to offer services competing with the Complainant, to make misleading use of email addresses and/or to sell the disputed domain name to the Complainant for an inflated sum, the Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been 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 disputed domain name, <airbusglobal.com>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: August 8, 2022