

ADMINISTRATIVE PANEL DECISION

ISAE SUPAERO Institut National de l'aéronautique et de l'espace v. VAYSSE
joannic
Case No. D2022-3475

1. The Parties

The Complainant is ISAE SUPAERO Institut National de l'aéronautique et de l'espace, France, represented by Clairmont Novus Avocats, France.

The Respondent is VAYSSE joannic, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <ecolesupaero.com> is registered with Moniker Online Services, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 20, 2022. On September 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Moniker Privacy Services) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 3, 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 October 4, 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 October 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 10, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on November 14, 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 ISAE SUPAERO a French educational institution (a “grande école”) originally founded in 1909 which is specialized in aeronautics and space education.

The Complainant owns several trademarks with the element SUPAERO, *inter alia*, the European Trademark SUPAERO (Registration No. 017921820 registered on December 5, 2018) and the French trademark SUPAERO (Registration No. 4463500 registered on June 21, 2018) which are both registered in classes 9, 16, 35, 36, 38, 41, 42, and 43.

The Complainant also holds the domain name <isaea.supaero.fr>.

The disputed domain name was registered on August 15, 2022.

The disputed domain name resolves to an inactive site.

5. Parties’ Contentions

A. Complainant

The Complainant contends as follows:

ISAE-SUPAERO is a world leader in higher education in the field of aerospace engineering. It provides higher education with the aim of training highly qualified engineers in aeronautics, space and related fields; providing specialization, advanced training and updating of knowledge; conducting scientific research and technological development work within the framework of a scientific and technical information policy; providing doctoral training.

The disputed domain name is confusingly similar to the SUPAERO trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the word “ecole” (which means “school” in French) is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent was not commonly known under the disputed domain name and has not been authorized by the Complainant to use this trademark. Moreover, there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a *bona fide* offering of goods and services.

The disputed domain name was registered and is being used in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its trademark SUPAERO at the time it registered the disputed domain name, and because the Respondent failed to respond to a formal notice sent by the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 Panel is satisfied that the Complainant owns trademark registrations for its SUPAERO trademark.

The Panel notes that the disputed domain name incorporates the SUPAERO trademark in its entirety. The addition of the word “ecole” (which means “school” in French) does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s mark SUPAERO.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark SUPAERO and that before notice of the dispute, there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s trademark and the term “ecole” (which means “school” in French), carries a risk of implied affiliation, particularly considering that the Complainant is a school (“grande école”). See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown to the satisfaction of the Panel that its SUPAERO trademark has been used for decades to identify its aeronautics and space educational services.

In the view of the Panel, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s trademark. In the circumstances of this case, this is evidence of registration in bad faith.

Furthermore, the Complainant has shown that disputed domain name resolves to an inactive website and that the Respondent failed to respond to a formal notice sent by the Complainant. The disputed domain name resolves to an inactive site. However, the Respondent’s passive holding of this disputed domain name does not prevent a finding of bad faith in this case (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). In this regard, the Panel notes the reputation of the Complainant’s

trademark, and the Respondent's failure to respond to the Complainant's formal notice and to submit a response or provide any evidence of actual or contemplated good-faith use in these proceedings. Furthermore, it is inconceivable that the Respondent could make any good faith use of the disputed domain name.

Furthermore, the Respondent furnished incomplete contact information while registering the disputed domain name, evidenced by the inability of the courier to deliver the Center's written communication to the address disclosed by the Registrar for the Respondent.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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 <ecolesupaero.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: November 21, 2022