

ADMINISTRATIVE PANEL DECISION

Alstom v. Trish Stover
Case No. D2022-3513

1. The Parties

The Complainant is Alstom, France, represented by Lynde & Associates, France.

The Respondent is Trish Stover, United States of America (“US”).

2. The Domain Name and Registrar

The disputed domain name <alstomrgoup.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 21, 2022. On September 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 September 26, 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 5, 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 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 1, 2022.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on November 9, 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 French company created in 1928, to become a global leader in the world of power generation, power transmission and rail infrastructure, employing 36000 professionals in more than 60 countries, including the US where the Respondent indicates having its address.

The Complainant holds registrations comprising the word ALSTOM in numerous jurisdictions around the world, including the following trademark registrations:

- US Trademark No. 2898433 registered on November 2, 2004 in classes 35, 37, 39, 40, 41, 42;
- US Trademark No. 4570546 registered on July 22, 2014 in classes 7, 9, 12, 35, 37, 39, 42;
- US Trademark No. 4236513 registered on November 6, 2012 in class 12;
- US Trademark No. 4311549 registered on April 2, 2013 in classes 7, 9, 12, 35, 37, 39, 42, 45;
- French trademark No. No. 98727762 registered on October 9, 1998 in classes 6, 7, 9, 11, 12, 16, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42;
- French trademark No. 98727757 registered on July 30, 1999 in classes 6, 7, 9, 11, 12, 19, 37, 39, 40, 42;
- International Registration No. 706292 ALSTOM registered on August 28, 1998 in classes 1, 2, 4, 6, 7, 9, 11, 12, 13, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42;
- European Union Trademark Registration No. 000948729 ALSTOM registered on August 8, 2001 in classes 6, 7, 9, 11, 12, 16, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42.

The Complainant is also the registrant of numerous domain names under various generic and country code Top Level Domains ("TLD") that reflect its trademark, such as:

- <alstom.com> registered since 1998;
- <alsthom.com> registered since 2000;
- <alstom.net> registered since 2000;
- <alstom.co.uk> registered since 1998;
- <alstom.info> registered since 2001;
- <alstom.cn> registered since 2004;
- <alstom.org> registered since 2000;
- <alstom.fr> registered since 2000;
- <alstom.ca> registered since 2000;
- <alstom.kr> registered since 2007;
- <alstom.pro> registered since 2008;
- <alstom.careers> registered since 2018;
- <alstomgroup.com> registered since 2000;
- <alstomgroup.net> registered since 2017;
- <alstomgroup.fr> registered since 2017;
- <alstomgroup.eu> registered since 2018;
- <alstomrgroup.com> registered since 2000.

The Respondent is an individual located in US who registered, on August 23, 2022, the disputed domain name. The Complainant claims that the disputed domain name reverted to a webpage with multiple links,

which most likely reverted to credulous content or incite the public to download viruses.

The Complainant claims that on September 6, 2022, it sent a communication (in English) to the Respondent via the contact link in the Whois extract, in order to assert their rights to the ALSTOM marks and requesting that the Respondent immediately deletes the disputed domain name or transfers it to the Complainant. No response was received from the Respondent. The Complainant also addressed a claim to the Registrar on September 6, 2022, requesting that they:

- cut off access to all content accessible at the disputed domain name;
- provide the Complainant with the Respondent's contact information so that they may attempt to settle.

Following the email to the Registrar, the content accessible at "www.alstomrgoup.com" appears to have been removed. At present, the disputed domain name does not resolve to any active website.

5. Parties' Contentions

A. Complainant

The Complainant alleges that:

- the disputed domain name is confusingly similar to its numerous trademarks ALSTOM, resulting in the combination of the ALSTOM trademark and of the element "rgoup" and of the suffix ".com";
- the denomination "rgoup" will thus be directly perceived by Internet users as referring to the Complainant's group of companies. Indeed, in the current business environment, companies usually form groups so as to be more performant;
- the disputed domain name only differs by one letter, which is barely noticeably different, from the <alstomgroup.com> domain name of which the Complainant is also the holder, since 2000 and which is used to support the email addresses of all employees of the the Complainant's group of companies;
- the Respondent has failed to prove its rights or legitimate interests in respect of the disputed domain name under paragraph 4(a)(ii) of the Policy, as it is not affiliated in any way to the Complainant and it has not been authorized, licensed or permitted by the Complainant to register or use a domain name incorporating its trademarks, it has not applied for or obtained any trademark registrations related to ALSTOM and it is not either commonly known under the ALSTOM trademark;
- the disputed domain name was registered and is being used in bad faith, as it incontestably reproduces the Complainant's trademarks, and was acquired long after ALSTOM marks became well known;
- in view of the well-known character of the ALSTOM trademark, it is virtually impossible that the Respondent was not aware of the Complainant's activities, at the time it registered the disputed domain name;
- the Respondent remained silent and did not reply to the Complainant's claim and reminders in order to put forward its legitimate interests or rights to the disputed domain name, while it had the opportunity to do so;
- the Respondent attempts by any means to conceal its identity, firstly by registering the disputed domain name via an anonymization company, and secondly by using false or partially incomplete contact information, as the Complainant did not come across any people under the name "Trish Stover" at the indicated address, the area code in telephone number does not correspond to the location where the address provided is situated and appears to be registered to a third party, and the email address provided shows no apparent link to the Respondent's name;

- the disputed domain name is a clear case of deliberate typo-squatting;
- being virtually identical and confusingly similar to the Complainant's prior domain name and trademark, in that "rgoup" is a clear misspelling of the term "group"
- the Respondent's bad faith is particularly obvious: the disputed domain name associating the generic term (misspelling of) with the name "Alstom";
- it is clear that the Respondent's intention is to mislead and divert the public, and more specifically the Complainant's partners and the disputed domain name has no substance at all, and has only for goal to impinge upon the Complainant's legal rights and damage its reputation.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established its rights in the the trademark ALSTOM as it holds registrations comprising ALSTOM in numerous jurisdictions around the world, including US.

The Panel agrees with the Complainant that the disputed domain name is confusingly similar to its numerous trademarks ALSTOM, resulting in the combination of the Complainant's trademark ALSTOM and of the element "rgoup", a clear misspelling of the term "group" which only refers to a group of companies and of the suffix ".com".

This Panel finds that the disputed domain name reproduces the Complainant' trademark together with the term "rgoup" and adds the generic TLD ".com".

Consequently, this Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks, in which the Complainant has rights, and therefore the first element of paragraph 4(a) of the Policy is established.

B. Rights or Legitimate Interests

In relationship to the second element of the Policy, based on the UDRP practice, the Complainant has to show that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes a *prima facie* showing, the burden of production shifts to the Respondent, with the overall burden of proof always remaining on the Complainant. See section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

Considering the Complainant's contentions, it is the opinion of this Panel that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Moreover such showing has not been rebutted by the Respondent, as the Respondent did not reply to the Complainant's contentions.

Based on the circumstances of the case, this Panel is unable to conceive of any basis upon which the Respondent could resonably be considered to have any rights or legitimate interests in respect of the intentionally confusingly similar disputed domain name.

In addition, the disputed domain name is visually almost identical to the domain name <alstomgroup.com> held by the Complainant and used to set up the email addresses of the Complainant's employees.

The Panel accordingly finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and the second element of paragraph 4(a) of the Policy is actually met.

C. Registered and Used in Bad Faith

For the analysis under the third element of the Policy, this Panel notes that, given the confusing similarity of the disputed domain name with the Complainant's trademark ALSTOM and the domain name <alstomgroup.com>, the Respondent knew or should have known about the Complainant's earlier rights in that trademark and deliberately registered the disputed domain name to take unfair advantage of the strong reputation throughout the world of that trademark in order to confuse the public.

While the disputed domain name does not actively resolve to a website, the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding. See section 3.3 of the [WIPO Overview 3.0](#).

Noting the Respondent's incorporation of the well-known and distinctive ALSTOM trademark together with the term "rgoup" which is a misspelling of "group" and is very similar to the Complainant's domain name <alstomgroup.com>, the Respondent's failure in light of the Complainant's claim and in the present proceedings to put forward its rights or legitimate interests in the disputed domain name, while it had the opportunity to do so, and the implausibility of any good faith use of the disputed domain name, the Panel cannot but find that the non-use of the disputed domain name in this particular case represents bad faith.

Consequently, in light of the above-mentioned circumstances in this case, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith and the third element under paragraph 4(a) of the Policy is therefore 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, <alstomrgoup.com>, be transferred to the Complainant.

/Dr. Beatrice Onica Jarka/

Dr. Beatrice Onica Jarka

Sole Panelist

Date: November 14, 2022