

## **ADMINISTRATIVE PANEL DECISION**

Keolis v. Milen Radumilo

Case No. D2022-3670

### **1. The Parties**

Complainant is Keolis, France, represented by Plasseraud IP, France.

Respondent is Milen Radumilo, Romania.

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

The disputed domain name <keolis.info> is registered with Communigal Communications Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 3, 2022. On October 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 4, 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 Complainant on October 4, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. 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 Respondent of the Complaint, and the proceedings commenced on October 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 31, 2022.

The Center appointed Timothy D. Casey as the sole panelist in this matter on November 10, 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

Complainant is a French public limited company that traces its roots back to an automobile transport company created in 1908. After a number of combinations with other companies related to the transportation industry, along with a series of restructurings, mergers and acquisitions, Complainant eventually formed Keolis in 2001. Today, Complainant is a public transport operator in the field of passenger transport by metro, tramway, bus and coach, bicycle, transport for people with reduced mobility, carsharing and car-pooling, river and maritime shuttles, autonomous shuttles, cable cars, funiculars, trolley-buses, and airport services. Complainant has wholly owned or jointly owned operations in 13 countries, particularly in Europe. In 2019, Complainant employed more than 68,500 people and had revenue of EUR 6.6 billion. There have been more than 196,000 Google Play Store downloads of Complainant's and its subsidiaries' mobile applications related to transport services and there have been over 287,000 visitors to its website including the KEOLIS brand in the month prior to filing the Complaint. Complainant has operated active social media accounts since 2010. Complainant owns numerous trademark registrations around the world that include KEOLIS, including the following representative marks (the "KEOLIS Marks"):

Mark	Designation	International Class(es)	Registration No.	Registration Date
KEOLIS	European Union	16, 37, 38, 39	002413607	May 19, 2003
KEOLIS (Design)	European Union	37, 39, 43	011543221	June 28, 2013
KEOLIS (Design)	European Union	39	015603657	July 1, 2016
KEOLIS (Design)	European Union	39	015603608	October 28, 2016
KEOLIS (Design)	International	39	923233	March 23, 2007
KEOLIS (Design)	International	9, 35, 36, 38, 39, 42	1364942	June 12, 2017

The disputed domain name was registered on September 17, 2022. Complainant provided evidence showing that when the disputed domain name was first discovered it resolved to a randomly generated advertising and scam page that displayed pop-up messages indicating that the user's computer had been infected by an alleged virus and inviting the user to contact a phone number purported belonging to Microsoft. After a short wait, if the disputed domain name was accessed again it resolved to a parking page including sponsored links relating to "transport" and "enterprise" (meaning "company" in French) and a banner stating "buy this domain". The disputed domain name currently resolves to a parking page promoting distribution logistics software, car transport services, and overseas shipping container services.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that KEOLIS Marks are widely used by Complainant to promote its public transport services all over the world and that its KEOLIS brand is well known as a major actor in public transportation services all over the world. Complainant contends that the disputed domain name is identical to the KEOLIS Marks since it reproduces them identically. Complainant contends that the addition of the generic Top-Level Domain ("gTLD") ".info" is to be ignored because it does not avoid confusing similarity, for which Complainant cites a number of supporting decisions.

Complainant contends that the disputed domain name neither corresponds to the name of Respondent nor to any trademark registered in its name. Complainant contends that if Respondent were named Keolis, it would have indicated its name as such in its registration of the disputed domain name, which it did not.

Complainant asserts that it has never granted Respondent any license or other rights, and has not otherwise authorized Respondent to register and to use any domain names incorporating the KEOLIS Marks.

Complainant contends that there is no evidence of any fair or noncommercial or *bona fide* use of the disputed domain name. Complainant notes that the disputed domain name has previously redirected to a

randomly generated advertising and scam page and then to a parking page that includes sponsored links in relation with “transport” and “companies”, along with an offer to buy the disputed domain name. Complaint contends that this indicated that Respondent never had any rights nor legitimate interests in the disputed domain name and that the disputed domain name was primarily being used for the purpose of:

- misleading Internet users by creating a likelihood of confusion with Complainant’s well-known trademark to redirect them to its website for commercial gain, notably due to the presence of a scam page and sponsored links through which Respondent is likely to earn pay-per-click revenue; and
- selling the domain name registration to Complainant or to a competitor for valuable consideration in excess of its out-of-pocket costs directly related to the domain name.

Complainant contends that the disputed domain names was registered in bad faith. Complainant asserts that give the registration date of the disputed domain name, Respondent could not have acted in good faith at the time of registration because the KEOLIS Marks were registered all over the world, and notably in the European Union. As Respondent resides in Romania, Respondent would be deemed to have knowledge of Complainant’s KEOLIS Marks. Complainant also asserts that section 3.2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), indicates that prior panels have found the identical reproduction of a well-known trademark to be a showing of bad faith registration considering that Respondent cannot be unaware of the existence of the concerned trademark at the time of registration. Complainant also notes that the parking page to which the disputed domain name redirects contains sponsored links in direct relation with Complainant’s business, which promotes “transport” service, showing that Respondent was necessarily aware of the existence of Complainant’s rights in the KEOLIS Marks at the time of registration. Complainant further contends that the KEOLIS Marks are for a coined term having absolutely no meaning and therefore exclusively refers to Complainant. As a result, Respondent’s registration of the disputed domain name cannot have been made by mere chance. Complainant lastly contends that a mere free search for the term “keolis” on <google.com> would have revealed that all results relate to Complainant and would therefore have revealed Complainant’s prior rights.

Complainant contends that the disputed domain name has been used in bad faith. Complainant first asserts that the registration of a domain name that is confusingly similar to a well-known trademark by any entity that does not have a relationship to that mark can amount to sufficient evidence of bad faith registration and use. Further, because a parking page provides an income to Respondent, Respondent is therefore trading off the reputation of Complainant’s well-known trademark and taking business away from Complainant. Complainant asserts that it cannot be a coincidence that the sponsored links that appear on the parking page to which the disputed domain name resolves include links and references to services related to Complainant’s main activities, *i.e.*, public transport services. Complainant further contends that section 3.4 of the [WIPO Overview 3.0](#) provides that when a disputed domain name, at the first connection attempt, redirects to a “technical support scam”, purporting to obtain money and / or bank account details of unsuspected users, based on their fear to lose access to their computer and data, such use should be considered a fishing attempt, and is therefore constitutive of a bad faith use of the domain name.

Complainant further contends that MX records have been set up on the disputed domain name which enables Respondent to send fraudulent emails, including messages including spam or phishing attempts, through an email address containing “@keolis.info”. Complainant notes that previous panels have considered the availability of MX records to be indicative of bad faith use of the disputed domain name.

Complainant further notes that the parking page to which the disputed domain name redirected includes a banner with hypertext link of “Acheter ce domaine” (“buy this domain” in French), proposing Internet users to purchase the domain name and that the presence of this message is a clear showing that Respondent intends to sell the domain name in a near future.

Lastly, Complainant has provided evidence that Respondent has also been a respondent in 145 other UDRP proceedings, which all resulted in transfer of the disputed domain names to complainants, that included factual backgrounds highly similar to the present case in that the disputed domain name was identical or highly similar to a well-known trademark, and redirected to a rotating set of third-party websites, including

pay-per-click links, and that respondent had no legal connections with complainant and used anonymization proxy services to conceal his identity. Complainant contends that these decisions and the facts subject to the present procedure evidence that Respondent has been engaged in a pattern of conduct, by registering domain names identical or highly similar to well-known trademarks to earn click-through revenues from the misdirection of Internet users to its websites caused by the confusing similarity of the domain names to the cybersquatted trademarks. As with many of these other decisions, the identity between the disputed domain name and Complainant's trademarks prevents Complainant from reflecting its trademark in the ".info" gTLD.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Complainant's use of the KEOLIS Marks as early as 2001, more than 20 years prior to registration of the disputed domain name, and Complainant's registration of many KEOLIS Marks since then, are more than sufficient to establish that Complainant has trademark rights in the KEOLIS Marks.

Complainant contends that the disputed domain name is identical to the KEOLIS Marks. Complainant contends that the addition of the ".info" gTLD does not prevent a finding of confusing similarity to Complainant's KEOLIS Marks. Further to section 1.11.1 of the [WIPO Overview 3.0](#), the Panel agrees with the Complainant's contentions.

The Panel finds that the disputed domain name to be identical to the KEOLIS Marks.

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

The Panel finds that Respondent has no rights or legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name or the KEOLIS Marks. Complainant has not licensed or authorized Respondent to use or register the disputed domain name. The disputed domain name's use for a parking page, and previously to some sort of scam page, does not provide evidence of any use or preparation to use the disputed domain name in relation to a *bona fide* offering of goods or services. Rather, the fraudulent use of the disputed domain name to scam unsuspecting Internet users could never confer rights or legitimate interests upon Respondent, pursuant to section 2.13 of the [WIPO Overview 3.0](#). Respondent has not rebutted Complainant's *prima facie* case and has provided no arguments or evidence showing potential rights or legitimate interests in the disputed domain name.

Furthermore, the identical nature of the disputed domain name carries a high risk of Internet user confusion (that seemingly being Respondent's aim), and possibly even in the case of an unsuspecting user, of implied affiliation with Complainant as it may mistakenly be seen as effectively impersonating or suggesting some connection to Complainant, and accordingly cannot constitute a fair use in these circumstances.

For these reasons, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

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

Given i) the timing of Complainant's first use and first registration of the KEOLIS Marks and Complainant's use of the KEOLIS Marks in association with the noted services, ii) the nature of the disputed domain name, iii) the subsequent timing of the registration of the disputed domain name, and iv) Complainant's prior trademark rights internationally, and particularly in the European Union where Respondent resides, the Panel finds that Respondent clearly knew of the KEOLIS Marks at the time of registration of the disputed

domain name. Respondent's registration of the disputed domain name was therefore in bad faith.

Respondent is actively using the disputed domain name to collect click-through revenue by using links associated with Complainant's business, which constitutes a use in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Moreover, the evidence also indicates Respondent's intent to scam unsuspecting Internet users through the disputed domain name, which is *prima facie* evidence of bad faith.

The Panel concludes that the disputed domain name was 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, <keolis.info>, be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: November 30, 2022