

ADMINISTRATIVE PANEL DECISION

G4S Limited v. Emmanuel Ameh, G4
Case No. D2022-3911

1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by Safenames Ltd., United Kingdom.

The Respondent is Emmanuel Ameh, G4, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <g4sprivacy.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 18, 2022. On October 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 21, 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 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 16, 2022.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on November 22, 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 London-based global security company providing security and facility services in more than 80 countries, including countries in Africa, the United Kingdom, Denmark and China. Founded in 1901, the Complainant has been operating under the G4S mark since 2004 when the Complainant's predecessor, Group 4 Falck, merged with Securicor Plc. The Complainant offers four broad categories of services, namely security services, cash solutions, consulting services, and care and justice services. The Complainant also provides country-specific services, such as courier-related services and offerings for retail and financial institutions. In 2021, the Complainant was acquired by Allied Universal, a leading security and facility service company carrying on security services and providing security solutions. The Complainant also has a strong online presence on different platforms, including a Facebook page with over 300,000 likes and over 390,000 followers as well as an Instagram account with over 20,000 followers.

The Complainant is the owner of a number of trademark registrations for the G4S mark in the world, including, *inter alia*, International Trademark Registration No. 885912 in Classes 1, 5, 6, 9, 16, 35 to 39, 41, 42, 44 and 45 registered on October 11, 2005, designating Azerbaijan, Australia, Republic of Korea, Norway, Singapore, Turkmenistan, Türkiye, United States of America, Uzbekistan, Zambia, Bhutan, Switzerland, China, Egypt, Democratic People's Republic of Korea, Kazakhstan, Morocco, Serbia, Sierra Leone, Ukraine and Viet Nam; United States Trademark Registration No. 3378800 in Classes 9, 39 and 45, registered on February 5, 2008; and European Union Trade Mark Registration No. 015263064 in Classes 6, 36, and 37, registered on September 20, 2016. In addition, the Complainant is also the owner of a number of trademark registrations for the "G4S (in graphic)" mark, including, *inter alia*, Colombian Trademark Registration No. 312233 in Class 39, registered on February 28, 2006; and European Union Trade Mark Registration No. 015268113 in Classes 6, 36 and 37, registered on September 20, 2016 (altogether, the "Complainant's Trademark"). The Complainant's Trademark has also been incorporated in various domain names registered by the Complainant, including, *inter alia*, <g4s.cz>, <g4s.us>, <g4s.cn>, <g4s.in> and <g4s.co> which were registered on January 27, 2003, November 17, 2004, March 1, 2005, March 2, 2005, and February 25, 2010 respectively (altogether, the "Complainant's Domain Names").

The Disputed Domain Name was registered by the Respondent using anonymous registration services provided by Withheld for Privacy ehf on October 25, 2021, which is more than 15 years after the Complainant's Trademark was first registered. The Disputed Domain Name is used for pay-per-click ("PPC") landing pages operated by displaying advertisements using security services and related goods and services as keywords, therefore advertising goods and services that compete directly with the Complainant's services. Based on a mail exchange record lookup performed by the Complainant, the Disputed Domain Name also enables the Respondent to send and receive emails using the "@g4sprivacy.com" extension.

5. Parties' Contentions

A. Complainant

The Complainant's primary contentions can be summarized as follows:

- (a) The Disputed Domain Name is identical or confusingly similar to the Complainant's Trademark. The Complainant's Trademark is reproduced in its entirety in the Disputed Domain Name. The only element which differentiates the Disputed Domain Name from the Complainant's Trademark is the addition of the suffix "privacy" to read <gs4privacy.com>.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no evidence to show that the Respondent is commonly known by the Disputed Domain Name or has any registered trademarks in the “g4s”, “g4sprivacy” or similar marks. Moreover, the Respondent has not received any licence or other authorization of any kind to make use of the Complainant’s Trademark as part of a domain name or otherwise. Furthermore, the Respondent has not used or prepared to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services since the Disputed Domain Name has been used to advertise PPC categories and links, many of which compete with the Complainant’s services. Such use is also not legitimate non-commercial or fair use of the Disputed Domain Name. The use of the suffix “privacy” in the Disputed Domain Name also creates a high risk of implied affiliation with the Complainant.

(c) Both the Respondent’s registration of and its use of the Disputed Domain Name establish the Respondent’s bad faith. The Respondent must have been fully aware of the existence of the Complainant’s rights in the Complainant’s Trademark when it registered the Disputed Domain Name and used the Complainant’s Trademark because of the goodwill and reputation acquired by the Complainant in the Complainant’s Trademark. The Complainant sent a cease and desist letter dated July 5, 2022 to the Respondent (the “Complainant’s Letter”) but received no reply. The Respondent’s lack of response reinforces the inference of bad faith registration and use of the Disputed Domain Name. Moreover, through creating a likelihood of confusion with the Complainant’s Trademark, the Respondent has been attracting traffic for commercial gain by directing Internet users to a webpage comprising PPC links, which direct Internet users to websites competing with the Complainant. Furthermore, the addition of mail exchange records of the Disputed Domain Name also creates a high risk of false affiliation and likely reflects an intent to send phishing emails to customers of the Complainant. Therefore, given these factors, the Respondent has registered and is using the Disputed Domain Names in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 by the Respondent in bad faith.

A. Identical or Confusingly Similar

The Panel accepts that the Complainant has rights in the Complainant’s Trademark based on the various trademark registrations listed above in Section 4.

It is well established that, in making an enquiry as to whether a trademark is identical or confusingly similar to a domain name, the generic Top-Level Domain, “.com” in this case, may be disregarded. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)).

The Disputed Domain Name incorporates the Complainant’s Trademark in its entirety with the addition of the suffix “privacy”. UDRP panels have consistently found that the addition of other terms to a mark (whether descriptive, geographical, pejorative, meaningless or otherwise) will not prevent the fact that the domain

name at issue is confusingly similar to the mark in question. See section 1.8 of the [WIPO Overview 3.0](#). The Panel therefore finds that the mere addition of the suffix “privacy” does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s Trademark.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s Trademark, and accordingly, paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Once a complainant establishes a *prima facie* case in respect of the lack of rights or legitimate interests of a respondent in a disputed domain name, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the disputed domain name. Where the respondent fails to do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts that the Complainant has not authorized the Respondent to use the Complainant’s Trademark. There is no relationship between the Complainant and the Respondent which would otherwise entitle the Respondent to use the Complainant’s Trademark. Accordingly, the Panel is of the view that a *prima facie* case has been established by the Complainant and it is for the Respondent to show rights or legitimate interests in the Disputed Domain Name.

The Respondent did not submit a formal Response. The fact that the Respondent did not submit a formal Response does not automatically result in a decision in favor of the Complainant. However, the Respondent’s failure to file a formal Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Name by demonstrating any of the following:

- (i) Before any notice to him of the dispute, the Respondent’s use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) The Respondent has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) The Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become known by the Disputed Domain Name. The Panel also notes the nature of the Disputed Domain Name, (incorporating the Complainant’s Trademark in its entirety plus the additional term “privacy” - which is related services provided by the Complainant under its G4S mark), effectively impersonates or suggests sponsorship or endorsement by the trademark owner and therefore cannot constitute a fair use. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel agrees with the Complainant that the Respondent’s use of the Disputed Domain Name to host a landing page comprising PPC advertising links does not represent a *bona fide* offering of goods or services. See section 2.9 of the [WIPO Overview 3.0](#).

Moreover, considering most of the PPC links redirect Internet users to goods and services that compete with those offered by the Complainant, the Panel finds that such use reflects the Respondent’s intent to capitalize

on the reputation and goodwill associated with the Complainant's Trademark and thus cannot constitute a legitimate or non-commercial fair use.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar or identical to a widely-known trademark by an unaffiliated entity can already by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

After reviewing the supporting evidence submitted by the Complainant, the Panel agrees with the Complainant that the Complainant's Trademark appears to be fairly well known. A quick Internet search conducted by the Panel shows that the top search results returned for the keyword "G4S" are the Complainant's websites and third party websites providing information relating to the Complainant's services. Therefore, the Panel agrees that the Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name.

The Panel also agrees with the Complainant that the following factors support a finding that the Disputed Domain Name was registered and has been used by the Respondent in bad faith:

- (i) The Respondent registered and has been using the Disputed Domain Name to mislead and divert Internet users for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website which is resolved to by the Disputed Domain Name. See section 3.1 of the [WIPO Overview 3.0](#).
- (ii) The fact that the Respondent was given ample opportunity to refute the Complainant's allegations in both the Complainant's Letter and the Complaint, but failed to provide any submissions or evidence.
- (iii) The Disputed Domain Name has been set up with mail exchange records, which indicates the Disputed Domain Name may be actively used for email purposes that may potentially facilitate fraudulent activities such as phishing, impersonating or passing off as the Complainant. See section 3.4 of the [WIPO Overview 3.0](#).

In addition, the Respondent's use of a privacy shield to conceal its identity when registering the Disputed Domain Name supports a finding of the Respondent's bad faith registration and use of the Disputed Domain Name (see *Primonial v. Domain Administrator, PrivacyGuardian.org / Parla Turkmenoglu*, WIPO Case No. [D2019-0193](#)).

The Panel further notes that it is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that the Disputed Domain Name contains the Complainant's Trademark in its entirety with the mere addition of the suffix "privacy".

Lastly, the use of the Disputed Domain Name to host PPC links to the third party websites in direct competition with the Complainant, as also further explained under Section 6B above, constitutes a bad faith use.

In the circumstances, the Panel finds that the Respondent registered and has been using the Disputed Domain Name in bad faith, and paragraph 4(a)(iii) of the Policy has been satisfied.

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, <g4sprivacy.com>, be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: December 5, 2022