

## **ADMINISTRATIVE PANEL DECISION**

G4S Limited v. Milen Radumilo

Case No. DME2023-0010

### **1. The Parties**

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

The Respondent is Milen Radumilo, Romania.

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

The disputed domain name <g4s.me> (the “Domain Name”) is registered with Commungal Communications Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 31, 2023. On August 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 4, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 5, 2023, 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 September 5, 2023.

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 September 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 5, 2023.

The Center appointed Gregor Vos as the sole panelist in this matter on October 17, 2023. 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 company active in the field of security and facility services. The Complainant was founded in 1901 and has been operating under its current name since 2004. Currently, the Complainant is active in around 90 countries and has 800,000 employees worldwide.

The Complainant is the owner of *inter alia* the following trademark registrations (the “Trademarks”):

- International registration No. 885912 for G4S, with designation of *inter alia* Australia, Singapore, and China registered on October 11, 2005;
- United States of America registration No. 3378800 for G4S registered on February 5, 2008; and
- European Union registration No. 015263064 for G4S registered on September 20, 2016.

Further, the Complainant is the holder of *inter alia* the domain names <g4s.com> and <g4s.cn>.

The Domain Name was registered on January 18, 2023, and currently resolves to a webpage on which pay-per-click (“PPC”) links are displayed.

#### **5. Parties’ Contentions**

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

With the Complaint, the Complainant seeks that the Domain Name be transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Name is identical or confusingly similar to the Trademarks of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name, and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is identical to its reputed Trademarks. The addition of the Top-Level Domain (“TLD”) “.me” has to be disregarded and does not prevent a likelihood of confusion.

Secondly, according to the Complainant, the Respondent has no rights or legitimate interests in the Domain Name. The Respondent is not commonly known by the Domain Name and has never received a license or any other form of authorization from the Complainant to use the Trademarks and has no prior rights to the Domain Name. Also, the Domain Name currently resolves to a webpage on which PPC links are displayed, which does not amount to a legitimate or fair use of the Domain Name or a *bona fide* offering of goods or services.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Name in bad faith. In light of the well-known character of the Complainant’s Trademarks, it is inconceivable that the Respondent registered the Domain Name without knowledge of the Complainant and its Trademarks. Also, according to the Complainant, the Domain Name is being used in bad faith. The Domain Name is being used to direct Internet users to PPC links that resolve to competitors of the Complainant. Also, mail exchange records have been activated for the Domain Name which carries a risk that the Domain Name is used to distribute fraudulent emails. Finally, the Respondent has engaged in a pattern of abusive conduct by registering other domain names that encompass the well-known trademarks of third parties.

##### **B. Respondent**

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

## 6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- iii. the Domain Name has been registered and is being used in bad faith.

Only if all three elements have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. The Panel will deal with each of the requirements in turn.

### A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant is registered as the owner of the Trademarks. Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademarks.

With regard to the assessment of identity or confusing similarity of the Domain Name with the Trademarks, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademarks and the Domain Name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademarks are incorporated in their entirety and identically in the Domain Name. The addition of the TLD ".me" does not prevent a finding of confusing similarity with the Trademarks (see sections 1.7 and 1.11 of the [WIPO Overview 3.0](#)). Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

### B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Name. The onus of proving this requirement, like each element, falls on the Complainant. Given the difficulty in proving a negative, however, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three non-limitative examples of instances in which a respondent may establish rights or legitimate interests in the disputed domain name.

The Complainant has substantiated that none of these circumstances apply in this case. By defaulting, the Respondent has failed to rebut the *prima facie* case established by the Complainant. Furthermore, based on the record before it, the Panel does not see an indication that any of the circumstances of paragraph 4(c) of the Policy is present. Also, the fact that the Domain Name is identical to the Trademarks results in a high risk of implied affiliation, since the Domain Name could be considered to refer to a page or portal linked to the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) is thereby fulfilled.

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

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four non-limitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Complainant's rights to the Trademarks predate the registration date of the Domain Name. The reputation of the Trademarks of the Complainant has been confirmed by earlier UDRP panels (see e.g. *G4S Limited v. Data Tech*, WIPO Case No. [D2023-1776](#); and *G4S Limited v. Milen Radumilo*, WIPO Case No. [D2022-3910](#)). In light of the reputation of the Trademarks, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademarks under which the Complainant is doing business (see e.g. *Solvay SA v. Domain Administrator*, WIPO Case No. [D2015-1867](#)). This is confirmed by the fact that prior to the registration of the Domain Name, the Respondent was involved in UDRP proceedings against the Complainant regarding the domain name <g4ssolutions.com> and concerning the same trademarks that are invoked in the current proceedings (*G4S Limited v. Milen Radumilo*, WIPO Case No. [D2022-3910](#)).

Further, the Panel has found that the Respondent lacks any rights to or legitimate interests in the Domain Name and finds that the Respondent is taking unfair advantage of the Domain Name by diverting Internet users to a website that includes PPC links of a commercial nature that compete with the Complainant's activities. Therefore, the Panel finds from the present circumstances that 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 Trademarks as to the source, sponsorship, affiliation or endorsement (see e.g., "*Dr. Martens*" *International Trading GmbH / "Dr. Maertens" Marketing GmbH v. Joan Mitchell*, WIPO Case No. [D2018-0226](#)).

In addition, the Complainant has substantiated that the Respondent has been involved in numerous UDRP proceedings, including the UDRP proceedings against the Complainant referred to. Therefore, the Panel finds that the Respondent has engaged in a pattern of abusive domain name registrations ([WIPO Overview 3.0](#), section 3.1.2).

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith and that the third element of paragraph 4(a)(iii) of the Policy is fulfilled.

### **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 Domain Name <g4s.me> be transferred to the Complainant.

/Gregor Vos/

**Gregor Vos**

Sole Panelist

Date: October 31, 2023