

ADMINISTRATIVE PANEL DECISION

Talend S.A.S. v. TimesPro

Case No. D2024-2418

1. The Parties

The Complainant is Talend S.A.S., France, represented by Abion AB, Sweden.

The Respondent is TimesPro, India.

2. The Domain Names and Registrars

The disputed domain name <talendsolutions.life> is registered with BigRock Solutions Pvt Ltd.; and the disputed domain names <talendsolutions.org>, <talendsolutions.store>, and <talendsolutions.tech> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (collectively the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2024. On June 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 14, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant submitted an amended Complaint on June 25, 2024.

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 June 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 17, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on July 22, 2024. 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, which is a software company which specialises in business intelligence and data visualisation, which has created the TALEND platform, a powerful and comprehensive data integration platform, which helps users to seamlessly connect, transform, and manage data across various systems and applications. The Complainant has offices in North America, Europe, and the Asia Pacific region, and maintains a robust network of international partners.

The Complainant has widely registered its TALEND trademark, including European Union registration number 014226989, registered on September 23, 2015, and United States of America registration number 87165391, registered on October 10, 2017.

The four disputed domain names were all registered on April 29, 2024, and none of them currently resolve to an active webpage.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the Respondent lacks rights to or legitimate interests in the disputed domain names, and emphasises that it has never granted permission to the Respondent to use its TALEND trademark in connection with the registration of a domain name, or otherwise. 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

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The addition of the word "solutions" in the disputed domain names does not prevent this finding.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the

respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise. Furthermore, the Panel considers that the composition of the disputed domain names carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel considers it obvious that the Respondent has deliberately targeted the Complainant's TALEND trademark in registering the disputed domain names, which, clearly, justifies a finding of registration in bad faith in connection with all the disputed domain names, and so finds.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain names, and the provision of false or incomplete contact details by the Respondent to the Registrar when registering the disputed domain names (the Center was not able to send out the Written Notice), and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

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 names <talendsolutions.life>, <talendsolutions.org>, <talendsolutions.store>, and <talendsolutions.tech> be transferred to the Complainant .

/George R. F. Souter/
George R. F. Souter
Sole Panelist
Date: August 5, 2024