

ADMINISTRATIVE PANEL DECISION

Regie Autonome Des Transports Parisiens (RATP) v. Olivier Boma, ratp
compta

Case No. D2024-2561

1. The Parties

The Complainant is Regie Autonome Des Transports Parisiens (RATP), France, represented by Nameshield, France.

The Respondent is Olivier Boma, ratp compta, France.

2. The Domain Name and Registrar

The disputed domain name <ratp.pro> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2024. On June 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 2024, the Registrar transmitted by email to the Center its verification response disclosing additional registrant and contact information for the disputed domain name which differed from the named Respondent (ratp compta) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 2024, 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 July 4, 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 July 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 9, 2024.

The Center appointed Elise Dufour as the sole panelist in this matter on August 20, 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 the RATP group. The Complainant is the world's 3rd largest urban transport operator, operating in 15 countries. It operates nine modes of transport on a daily basis and employs 71,000 people.

The Complainant owns a number of trademarks bearing the name "RATP", including:

- The European Union trademark "RATP" n°008945966 registered on January 31, 2011 and duly renewed;
- The European Union trademark "RATP" n°018081115 registered on September 27, 2019.

The Complainant is also the holder of numerous domain names including the term "RATP", including:

- <ratp.fr>, registered since December 31, 1994;
- <ratp.com>, registered since January 28, 1999.

The disputed domain name was registered on April 17, 2024 and resolves to a Registrar-parking page. Besides, email exchange ("MX") servers are configured.

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 name.

Notably, the Complainant contends that the disputed domain name is identical to the Complainant's RATP trademark as it includes in its entirety the trademark RATP. In addition, for the Complainant, it is well established that general Top-Level Domains ("gTLD") may be disregarded in the assessment under paragraph 4(a)(i) of the Policy when comparing disputed domain name and trademark.

In addition, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not know the Respondent. The Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant has not licensed the Respondent to use the Complainant's RATP trademark and has not authorized the Respondent to register the disputed domain name. Besides, the disputed domain resolves to a parking page, which confirms that Respondent has no demonstrable plan to use the disputed domain name. Finally, the Respondent, by naming itself "RATP COMPTA" (which can be understood as the Complainant's accounting department, or "COMPTABILITE" in French) intends to pass off as the Complainant.

For the Complainant, the Respondent registered and used the disputed domain name in bad faith. As per the registration, the Complainant stresses that, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks. As per the use, the Complainant underlies that although the disputed domain name does not host any active content, it has been set up with MX records. The Complainant stresses that the disputed domain name is set up to be actively used for email purposes, notably for fraudulently intended activity, as impersonating or passing off Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable gTLD in a domain name (e.g. ".com", ".pro", ".club") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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 name. Based on the available record, the disputed domain name resolves to an inactive webpage. 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 name such as those enumerated in the Policy or otherwise.

Furthermore, the Panel finds that because the disputed domain name is identical to the Complainant's RATP trademark any use of such domain name by the Respondent carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent could not ignore the existence of the Complainant's prior rights. The Panel in particular notes the following. The Complainant has alleged that Respondent has configured MX records for the disputed domain name, suggesting an intention to use the disputed domain name for illegal purposes. In addition, Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement) and (iv) the implausibility of any good faith use to which the disputed domain name may be put, and the Panel thus finds bad faith under the passive holding doctrine.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, the failure of the Respondent to submit a response and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy.

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 <ratp.pro> be transferred to the Complainant.

*/Elise Dufour/
Elise Dufour
Sole Panelist
Date: September 4, 2024*