

## **ADMINISTRATIVE PANEL DECISION**

Ostrum Asset Management v. MEI WANG

Case No. D2024-2593

### **1. The Parties**

The Complainant is Ostrum Asset Management, France, represented by MIIP MADE IN IP, France.

The Respondent is MEI WANG, China.

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

The disputed domain name <seeyond.xyz> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2024. On June 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 27, 2024, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 27, 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 June 27, 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 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 26, 2024.

The Center appointed Marina Perraki as the sole panelist in this matter on August 13, 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 an institutional investment manager based in France, assisting large institutional clients (insurers, pension funds, health insurers, management companies).

The Complainant owns multiple trademark registrations for SEEYOND including the European Union trademark registration No. 010787315, SEEYOND (word), filed on April 4, 2012, and registered on September 10, 2012, for goods and services in international classes 16, 35 and 36.

Furthermore, the Complainant owns domain name registrations for <seeyond-am.com> registered on August 22, 2012, and <seeyond-am.fr> registered on August 23, 2012.

The Domain Name was registered on June 1, 2024, and is being offered for sale at <dan.com> for the amount of USD 1,450.

#### **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 Domain Name.

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

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

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements, which the Complainant must satisfy with respect to the Domain Name:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

##### **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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain (“gTLD”) “.xyz” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 Domain Name. 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 Domain Name such as those enumerated in the Policy or otherwise.

On the contrary, the Domain Name leads to an inactive website, where it is being offered for sale for an amount that seemingly exceeds out-of-pocket expenses and there is no reasonable explanation as to the registration and holding of the Domain Name that could lead the Panel to a conclusion different to the Respondent targeting the Complainant through the Domain Name. The Panel also notes the composition of the Domain Name which reproduces the Complainant’s mark in its entirety.

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.

Because the Complainant’s mark had been used and registered by the Complainant before the Domain Name registration and noting the degree of inherent distinctiveness of the Complainant’s mark, it is clear that Respondent had the Complainant’s mark in mind when registering the Domain Name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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 of the Complainant’s trademark, and the composition of the Domain Name, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

Given that the Domain Name was offered for sale, it can in any case safely be inferred that the Respondent was perfectly aware of the rights and value attaching to the SEEYOND trademark of the Complainant upon registration. Having reviewed the available record, the Panel notes the composition of the Domain Name, reproducing the Complainant's mark in its entirety, along with the fact that as the Complainant demonstrated, the Respondent provided false contact details, while the Domain Name is currently being sold for an amount that seemingly exceeds out-of-pocket expenses, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy. For the same reasons, the Panel finds that it is more likely than not that the Respondent meant to target the Complainant in bad faith and registered the Domain Name with the Complainant's trademark rights in mind.

The Panel also notes that, per Complaint, the Respondent appears to have been engaged in at least four other URDP proceedings, namely *Société Cooperative Agricole Limagrain v. MEI WANG and 于青青 (yu qing qing)* WIPO Case [D2024-1794](#), *Syngenta Participations AG v. Mei Wang* WIPO Case [D2024-0731](#), *Sopra Steria Group v. MEI WANG* WIPO Case [D2024-0606](#) and *Landis+Gyr AG v. MEI WANG* [D2023-1770](#).

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 <seeeyond.xyz> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: August 27, 2024