

ADMINISTRATIVE PANEL DECISION

Talend S.A.S. v. 任艺伟 (Yi Wei Ren)

Case No. D2024-4700

1. The Parties

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

The Respondent is 任艺伟 (Yi Wei Ren), China.

2. The Domain Name and Registrar

The disputed domain name <talend.online> (the “Disputed Domain Name”) is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 15, 2024, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 in English on November 18, 2024.

On November 15, 2024, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On November 18, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on November 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 16, 2024.

The Center appointed Andrew Sim as the sole panelist in this matter on December 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 a software company based in France. The Complainant specializes in business intelligence and data visualization, and creates the Talend platform, which is a data integration platform that helps organizations connect, transform, and manage data across various systems and applications. The Complainant has a global presence with offices in North America, Europe, and the Asia Pacific region, and maintains a robust network of international partners.

The Complainant holds registered trademarks for TALEND (the "TALEND Trademark") in various jurisdictions. The Complainant has provided copies of the European Union Intellectual Property Office TMview search results indicating the registration of the TALEND Trademark in the European Union, the United Kingdom, the United States of America ("United States"), and Canada.

Jurisdiction	Mark	Registration Number	Registration Date	Class(es) Covered	Status
European Union	TALEND	014226989	September 23, 2015	9, 35, 42	Registered
United Kingdom	TALEND	UK00914226989	September 23, 2015	9, 35, 42	Registered
United States	TALEND	4977624	June 14, 2016	9	Registered
United States	TALEND	5304787	October 10, 2017	35	Registered
United States	TALEND	5002051	July 19, 2016	42	Registered

The Complainant operates the domain name <talend.com> associated with the TALEND Trademark. The domain name <talend.com> resolves to the official website of the Complainant (i.e., "www.talend.com") (the "Official Website"), which displays information about the Complainant's businesses, offerings, and promotional and other corporate materials.

The Disputed Domain Name was registered on November 5, 2024. Based on the Complainant's evidence, it resolved to a website where the Disputed Domain Name was offered for sale, and it was possible to "buy now" at USD 1,450 or "lease to own" at USD 99.69 per month. Upon the Panel's own visit to the website at the Disputed Domain Name, the Disputed Domain Name is still offered for sale at the same prices.

Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, postal address, telephone number, fax number, and email address.

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.

First, the Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's TALEND Trademark, as it incorporates the entirety of the TALEND Trademark.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is not affiliated to the Complainant. The Complainant has not authorized the Respondent to register or use the Disputed Domain Name, and has not endorsed or sponsored the Respondent or the Respondent's website. The Respondent is not commonly known by the Disputed Domain Name. The Respondent's act of listing the Disputed Domain Name for sale constitutes bad faith.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith. In terms of registration, the registration of the Complainant's TALEND Trademark predates the registration of the Disputed Domain Name. The Respondent would have inevitably learned about the Complainant and the TALEND Trademark when registering the Disputed Domain Name. In terms of use, the Respondent has registered the Disputed Domain Name incorporating the TALEND Trademark and intended to sell it at a profit, which constitutes bad faith.

The Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- (a) the website at the Disputed Domain Name is entirely in English, demonstrating the Respondent's ability to understand and communicate in English;
- (b) the Complainant has no proficiency in Chinese and requiring a translation would result in the incurrance of significant expenses and delays;
- (c) the Registrar offers an English version of its website and support services for English-speaking customers, indicating that the Respondent is likely proficient in English and is able to engage in English proceedings without disadvantage; and
- (d) in several previous WIPO UDRP decisions, the Panel decided to designate English as the language of the proceeding involving the same Registrar.

The Respondent did not make any submissions with respect to the language of the proceeding. This is despite the fact that the Center had sent the notification of the Complaint (including instructions on the language of the proceeding to the Respondent) in both Chinese and English.

In exercising its discretion to use a language other than that of the Registration Agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all

relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

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

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

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 trademarks and the Disputed Domain Name. [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 (i.e., the TALEND Trademark as described in section 4 above). [WIPO Overview 3.0](#), section 1.2.1.

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

The Top-Level Domain in the Disputed Domain Name (i.e., ".online") is viewed as a standard registration requirement and as such is disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that 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 the 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. 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.

Particularly in regards to the three illustrative examples of rights or legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (i) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods or services, as it displays a website offering the Disputed Domain Name for sale, and the TALEND Trademark is fully incorporated in the Disputed Domain Name;
- (ii) the Disputed Domain Name does not correspond with the Respondent's name (i.e., "Yi Wei Ren" or "任艺伟") in English or Chinese, and there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Name; and
- (iii) the Respondent's use of the Disputed Domain Name does not fall within the scope of legitimate noncommercial or fair use, as the Respondent uses the Disputed Domain Name, which fully incorporates the TALEND Trademark, in an attempt to obtain commercial gain.

The Panel finds that 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.

The Panel finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent's bad faith and satisfy the situation as specified in paragraphs 4(b)(i) and 4(b)(iv) of the Policy:

- (a) the Disputed Domain Name resolves to a website where the Disputed Domain Name is offered for sale at USD 1,450 in full (or USD 99.69 per month), which is a considerably high price compared to the normal cost of registering a domain name, and is likely in-excess of the Respondent's out-of-pocket costs directly related to the Disputed Domain Name. This indicates that the Respondent's intent in registering the Disputed Domain Name is to profit from the Complainant's TALEND Trademark;
- (b) the Complainant's TALEND Trademark was registered before the Respondent's registration of the Disputed Domain Name;
- (c) the Disputed Domain Name is confusingly similar to both the Complainant's TALEND Trademark and the Complainant's domain name <talend.com>, and creates a likelihood of confusion with the Complainant's TALEND Trademark;
- (d) as the Complainant's TALEND Trademark is highly specific and does not correspond to a dictionary term, panels have been prepared to infer that the Respondent knew, or should have known, that his registration of the Disputed Domain Name would be confusingly similar to the Complainant's TALEND Trademark. [WIPO Overview 3.0](#), section 3.2.2; and
- (e) there is no reasonable connection or association between the Respondent and the Complainant.

(f) the Respondent has been named as respondent in several prior UDRP decisions showing that the Respondent has engaged in a pattern of trademark-abusive domain name registrations. [WIPO Overview 3.0](#), section 2.5.3.

Inference of bad faith is also drawn in accordance with paragraph 14(b) of the Rules for the Respondent's failure to file a response as required in paragraph 5(a) of the Rules in the absence of exceptional circumstances.

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 <talend.online> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: January 3, 2025