

ADMINISTRATIVE PANEL DECISION

Dassault Systemes SE v. Mohsen Teimouri shad
Case No. DIR2024-0012

1. The Parties

The Complainant is Dassault Systemes SE, France, represented by IP Twins, France.

The Respondent is Mohsen Teimouri shad, Iran (Islamic Republic of).

2. The Domain Name and Registrar

The disputed domain name <catiatutor.ir> is registered with IRNIC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2024. On October 21, 2024, the Center transmitted by email to IRNIC a request for registrar verification in connection with the disputed domain name. On October 22, 2024, IRNIC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the complete contact details. The Center sent an email communication to the Complainant on October 22, 2024, providing the complete registrant contact information disclosed by the Registrar. The Complainant filed an amended Complaint on October 30, 2024. Hard copies of the Complaint and the amended Complaint were received by the Center on October 29 and November 21, 2024, respectively.

The Center verified that the Complaint and the amended Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 21, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was December 11, 2024. On December 13, 2024, the Center notified the Respondent’s default.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 23, 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 company registered in France. Among other activities, it offers 3D computer aided design software under the name and mark CATIA, which is used by customers in the product design and engineering field.

The Complainant is the owner of numerous trademark registrations for the mark CATIA, including for example:

- United States of America trademark registration number 1274136 for the word mark CATIA, registered on April 17, 1984 in International Classes 9, 16 and 42; and
- International trademark registration number 1004961 for the word mark CATIA, registered on December 19, 2008 in International Classes 9, 16, 38, 41, 42, and designating various countries including Iran (Islamic Republic of).

The Complainant operates a website at “www.catia.com”. The website includes a distinctive logo comprising a stylistic arrangements of the characters “3DS” (the “Complainant’s Logo”).

The disputed domain name was registered on January 17, 2017.

The disputed domain name has resolved to a website headed “Catia 3DS Tutor”, which makes prominent use of the Complainant’s Logo. The website (in English translation) refers to the Complainant’s CATIA product and offers training services connected with that product. The website identifies the Respondent as the operator of the website but does not appear to include any disclaimer or other form of indication that the website is not associated with, or approved or endorsed by, the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that its CATIA product is extensively used and widely known internationally. It refers to its social media profile, including 115,000 followers on Facebook, 170,000 on LinkedIn and 34,000 on X. It further submits that the mark CATIA is distinctive of its relevant product and has no other meaning in commerce.

The Complainant submits that the disputed domain name is confusingly similar to its CATIA trademark. It states that the disputed domain name incorporates its trademark in full, together with the “generic” term “tutor”, which describes a training function and does not distinguish the disputed domain name from its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its CATIA trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is not making bona fide commercial use of the disputed domain name. The Complainant contends that, instead, the Respondent is using the disputed domain name for the purpose of a website that misleads Internet users and takes unfair advantage of the Complainant’s trademark rights.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It points out that the Respondent was clearly aware of the CATIA trademark when it registered the disputed domain name and did so in order to take unfair advantage of that trademark. The Complainant contends that the Respondent is using the disputed domain name to mislead Internet users into believing that his website must be affiliated with or endorsed by the Complainant and intends unfairly to make a profit from the reputation of the Complainant’s trademark.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights for the mark CATIA. The disputed domain name wholly incorporates that trademark, together with the dictionary term "tutor", which does not prevent the Complainant's trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent has used the disputed domain name for the purposes of a website offering training services relating to the Complainant's CATIA software product.

In certain limited circumstances, a reseller of trademarked goods or services, or other trader operating with reference to those goods or services, may legitimately incorporate that trademark into a domain name used in connection with the goods or services in question (see, e.g., section 2.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")¹). However, the well-established conditions for such legitimate use include that the Respondent's website must "accurately and prominently disclose the registrant's relationship with the trademark holder." There being no such disclaimer or other relevant disclosure in this case, particularly noting the Respondent's website is displaying in a prominent manner the Complainant's logo, the Respondent cannot be found to be making legitimate use of the disputed domain name for the purposes of the Policy.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered or Used in Bad Faith

It is evident in this case that the Respondent both registered and has used the disputed domain name in the knowledge of the Complainant's CATIA trademark and software product, and with the specific intention of offering training services in connection with that product. However, by virtue of the Respondent's choice of the disputed domain name, which incorporates the Complainant's distinctive CATIA trademark, and the contents of his website, which makes prominent use of the CATIA trademark and the Complainant's logo, the

¹ While [WIPO Overview 3.0](#) comprises discussion relating primarily to decisions under the Uniform Dispute Resolution Policy (the "UDRP"), the Panel considers the iDRP to be sufficiently similar in effect to the UDRP for those considerations to have equivalent relevance in this proceeding.

Panel finds that Internet users are likely be misled into believing that the Respondent's website is owned or operated by, otherwise commercially affiliated with, the Complainant. As in the case of the second element, above, the lack of any disclaimer or other appropriate disclosure on the Respondent's website precludes him from arguing that the website is legitimate for the purposes of the Policy, and the Panel finds that, by using the disputed domain name, 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 of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered or is being used in bad faith.

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, <catiatutor.ir>, be transferred to the Complainant.

/Steven A. Maier /

Steven A. Maier

Sole Panelist

Date: January 6, 2025