

ADMINISTRATIVE PANEL DECISION

Avions de Transport Régional GIE v. Name Redacted
Case No. D2025-0267

1. The Parties

The Complainant is Avions de Transport Régional GIE, France, represented by DLA Piper Luxembourg, Luxembourg.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <atr-aircraft.org> (the “Disputed Domain Name”) is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 24, 2025, 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.

The Center verified that the 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”).

¹ The Respondent appears to have used the name of an unrelated individual and company when registering the Disputed Domain Names. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Disputed Domain Names, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 24, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on February 28, 2025. 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 Economic Interest Grouping (in French "groupement d'intérêt économique") founded in 1981 as a joint partnership between the French-based aviation conglomerate Airbus Group and the Italian multinational aerospace company Leonardo S.p.A. The Complainant is a leading manufacturer of regional aircrafts, with their ATR-42 and ATR-72 being the popular aircrafts in the less than 90-seat market segment. The Complainant has a global presence with offices in Toulouse, Miami, Singapore, Beijing, and Tokyo, as well as additional customer offices in Bangalore, Sao Paulo, and Johannesburg.

The Complainant owns various word and figurative trademarks for the ATR mark in multiple jurisdictions. The relevant trademark registrations include, inter alia, the United States of America ("United States") Trademark Registration No. 2440292 for ATR in International Class 12 registered on April 3, 2001, the United Kingdom Trademark Registration No. UK00904956959 for ATR in International Classes 12, 16, and 39 registered on May 21, 2008, and the European Union Trademark Registration No. 004956959 for ATR in Classes 12, 16, and 39 registered on May 21, 2008 (the "Complainant's Trademark").

The Complainant also owns the domain name <atr-aircraft.com> (the "Complainant's Domain Name"), the official website of the Complainant.

The Disputed Domain Name was registered on November 14, 2024, many years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to an inactive website.

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:

a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Complainant's Trademark is reproduced in its entirety in the Disputed Domain Name with the addition of the term "aircraft" which strengthens the likelihood of confusion for users between the Complainant's Trademark and the Disputed Domain Name. The inclusion of the generic Top-Level Domain ("gTLD") ".org" is irrelevant in determining the confusing similarity between the Complainant's Trademark and the Disputed Domain Name. Moreover, the Disputed Domain Name is identical to the Complainant's Domain Name save for the gTLD ".org" and ".com" respectively.

b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no evidence that the Respondent owns any trademark rights in the Disputed Domain Name. There is no commercial relationship between the Complainant and the Respondent, and the Complainant has not

authorized or licensed the Respondent to use the Complainant's Trademark. Furthermore, there is no evidence showing that the Respondent uses the Disputed Domain Name in connection with a bona fide offering of goods and services. The Respondent could not have been unaware of the existence of the Complainant's Trademark given that a simple Internet search of the term "ATR" shows results linked only to the Complainant.

c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given the goodwill and reputation that the Complainant has acquired in the Complainant's Trademark, the Respondent must have been fully aware of the existence of the Complainant's rights in the Complainant's Trademark when the Respondent registered the Disputed Domain Name. The Respondent has failed to respond to the Complainant's letter to show evidence of actual or contemplated good-faith use. Furthermore, the Respondent has seemingly provided false contact information when registering the Disputed Domain Name. The Respondent's address does not seem to have any connection with the listed Respondent organization which specializes in cybersecurity and is headquartered in Delaware, United States. Instead, the address provided by the Respondent corresponds to a rural road in Monroe County, Connecticut, United States. Moreover, given the distinctiveness and reputation of the Complainant's Trademark, the Respondent registered the Disputed Domain Name with an attempt to attract Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed 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 Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used by the Respondent 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 Disputed 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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the gTLD in this case ".org" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "aircraft" and a hyphen) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent’s failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAJM*, WIPO Case No. [D2000-0403](#)).

The Panel agrees with the Complainant that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name. The Panel further notes that there is no evidence indicating that the Respondent is commonly known by the Disputed Domain Name. The Complainant has not provided any license or authorization to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. There is also no evidence to suggest that the Respondent’s use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use.

Moreover, the Disputed Domain Name incorporates the Complainant’s Trademark in its entirety with the additional term “aircraft”. The addition of the term “aircraft” relates to the goods and services provided by the Complainant. The reproduction of the Complainant’s Trademark together with the term “aircraft” leads to a risk of implied affiliation as the Disputed Domain Name is identical to the Complainant’s domain name save for the gTLD and it effectively suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#). The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant.

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.

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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name reproduces the Complainant's Trademark in its entirety together with the additional term "aircraft" and is identical to the Complainant's domain name except for the gTLD. The Respondent must have been aware of the Complainant's business and trademark when registering and using the Disputed Domain Name. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name.

At the time of the filing of the Complaint and the rendering of the Decision, the Disputed Domain Name resolves to an inactive website. Panels have found that the non-use of a domain would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, key factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's trademark, (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 domain name may be put. [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 Name, and the purportedly false contact details of the Respondent provided for the registration of the Disputed Domain Name, 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.

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 <atr-aircraft.org> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: March 14, 2025