

ADMINISTRATIVE PANEL DECISION

Alstom v. david green, alstomcom.org
Case No. D2025-0443

1. The Parties

Complainant is Alstom, France, represented by Lynde & Associates, France.

Respondent is david green, alstomcom.org, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <alstomcom.org> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2025, 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 (Alstomcom.org) and contact information in the Complaint. The Center sent an email communication to Complainant on February 6, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 6, 2025.

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 Respondent of the Complaint, and the proceedings commenced on February 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 3, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on March 18, 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

Complainant is a power generation and railway infrastructure company incorporated in France in 1928. Complainant offers information about its services through its official domain name <alstom.com> and website. Complainant owns valid and subsisting registrations for the ALSTOM trademark in numerous countries, including the trademark for ALSTOM (Reg. No. UK00900948802) in the United Kingdom, and ALSTOM (Reg. No. 2,898,433) in the United States of America (“United States”), registered on June 6, 2002, and November 02, 2004, respectively.

Respondent registered the disputed domain name on January 17, 2025. The disputed domain name originally resolved to a blank parking page with the text “alstomcom.org”, but does not currently resolve to any website content resultant from Complainant’s cease-and-desist and takedown correspondence.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant asserts ownership of the ALSTOM trademark and has adduced evidence of trademark registrations in numerous regions and countries around the world including the European Union, United Kingdom, and the United States, with earliest priority dating back to at least as early as June 6, 2002. The disputed domain name is confusingly similar to Complainant’s ALSTOM trademark, according to Complainant, (i) because it wholly and identically reproduces Complainant’s trademark and associates it with the suffix “com” (which is a reference to the generic Top-Level Domain (“gTLD”) “.com”) and the gTLD “.org”, which are typically disregarded, and (ii) due to the famous and/or well-known nature of Complainant’s ALSTOM trademark. Complainant also notes that the disputed domain name is identical to Complainant’s prior official domain name <alstomcom.com> and Complainant’s <alstom.org> domain name.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: (i) the lack of any authorization, license or permission from Complainant for Respondent to use the ALSTOM trademark; (ii) the lack of any applications or registrations owned by Respondent for the ALSTOM or ALSTOMCOM trademark; and (iii) the lack of any affiliation between Complainant and Respondent.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) the famous and/or well-known nature of Complainant’s ALSTOM trademark, which long predates registration of the disputed domain name; (ii) Respondent’s failure to reply to Complainant’s cease-and-desist correspondence; (iii) Respondent’s use of the disputed domain name in connection with a passive parking website, which provided extremely minimal contact information; and (iv) the use of false registration data by Respondent, corresponding to an individual and a company that do not appear to exist.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. 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 in bad faith.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g. where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 3.0](#), section 1.7.

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 disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the suffix "com", 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. And in regards to gTLDs, such as ".org" in the disputed domain name, they are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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. More specifically, passively holding a domain name in and of itself does not constitute a bona fide offering of goods or services. *Philip Morris USA Inc. v. Gabriel Hall*, WIPO Case No. [D2015-1779](#); *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#) (“[A]bsent some contrary evidence from Respondent, passive holding of a Domain Name does not constitute legitimate noncommercial or fair use”). Moreover, it is evident that Respondent, identified by the Registrar as “david green, alstomcom.org” is not commonly known by the disputed domain name, particularly based on the results of Complainant's investigation to confirm there is no individual or company by that name at the address provided as registration data by Respondent.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith (particularly where no conceivable good faith use could be made). [WIPO Overview 3.0](#), Section 3.1.4. Complainant has adduced evidence of recognition of the ALSTOM trademark and cited several WIPO panel determinations in agreement that Complainant's ALSTOM trademark is considered to be “well-known” or “famous.” See e.g. *Alstom v. Daniel Bailey* (Registrant I D: *tuuROSvPJbZdd2XO*), WIPO Case No. [D2010-1150](#); *Alstom S.A. and General Electric Company v. Sichuan Shanghai Electric Power T&D Engineering Co., Ltd.*, WIPO Case No. [DCO2016-0030](#). As such, the Panel finds it is unconceivable that Respondent could have registered the disputed domain name without knowledge of Complainant's ALSTOM trademark, or without any intention to benefit from confusion with Complainant's ALSTOM trademark.

Passively holding a domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. This includes domain names that do not resolve to any website content as well as domain names that are parked with a “coming soon” message or other similar content like the disputed domain name “alstomcom.org”. Where a domain name is being passively held, as alleged in this case, bad faith registration and use exists based upon: (i) the degree of distinctiveness or reputation of the complainant’s mark; (ii) the failure of the respondent to submit any response or offer any credible evidence of rights or legitimate interests; (iii) the respondent’s concealing its identity or use of false contact details; and (iv) the implausibility of any good faith use which the domain name may be put. See also *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (“A remedy can be obtained under the Policy only if those circumstances show that the Respondent’s passive holding amounts to acting in bad faith.”)

To that end, the Panel acknowledges the numerous above-cited panel determinations under the Policy concluding that Complainant’s ALSTOM trademark is “well-known” for purposes of the Policy. In the Panel’s view, these same prior panel determinations, coupled with Complainant’s portfolio of worldwide trademark registrations for Complainant’s ALSTOM trademark, including in the United Kingdom where Respondent is allegedly located, make any good faith use of the disputed domain name relatively implausible. Furthermore, the Panel acknowledges Respondent’s failure to offer any credible evidence of rights or legitimate interests.

The Panel further concludes that failure by Respondent to answer Complainant’s cease and desist letter “suggests that Respondent was aware that it has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith.” See *America Online, Inc. v. Antonio R. Diaz*, WIPO Case No. [D2000-1460](#) (internal citations omitted). See also *Spyros Michopoulos S.A. v. John Talias, ToJo Enterprises*, WIPO Case No. [D2008-1003](#). Furthermore, the failure of Respondent to answer this Complaint or take any part in the present proceedings, in the view of the Panel, is another indication of bad faith on the part of Respondent. See *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#). Indeed, Respondent’s passive parking website was ultimately deactivated following takedown requests by Complainant absent any attempt by Respondent to explain or justify its use of the disputed domain name. The Panel takes this as corroborating evidence of Respondent’s bad faith. *LEGO Juris A/S v. Ammar Briouel / Brahim Mahjoubi*, WIPO Case No. [D2019-0750](#) (involving website suspension following a takedown request by Complainant).

Prior panel determinations agree, the use of false registration data in connection with a disputed domain name further supports a finding of bad faith registration and use. See e.g. *Action Instruments, Inc. v. Technology Associates*, WIPO Case No. [D2003-0024](#) (“Providing false contact information violates paragraph 2 of the Policy, which requires a registrant to represent that the statements it ‘made in [its] Registration Agreement are complete and accurate.’ Maintaining that false contact information in the WHOIS records (which can easily be updated at any time) after registration constitutes bad faith use of the domain name because it prevents a putative complainant from identifying the registrant and investigating the legitimacy of the registration.”); *Royal Bank of Scotland Group v. Stealth Commerce*, WIPO Case No. [D2002-0155](#); *Home Director, Inc. v. HomeDirector*, WIPO Case No. [D2000-0111](#). To this end, Complainant has offered persuasive un rebutted evidence that no individual or entity by the name “david green, alstomcom.org” resides at the location provided as registration data by Respondent.

The Panel finds that 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 <alstomcom.org> be transferred to Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: April 8, 2025