

ADMINISTRATIVE PANEL DECISION

G4S Limited v. Registration Private, Domains By Proxy/G4ss company
Case No. D2022-2797

1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Registration Private, Domains By Proxy, United States of America (“United States”)/G4ss company, India.

2. The Domain Name and Registrar

The disputed domain name <g4sscompny.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2022. On July 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 29, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 3, 2022 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 August 4, 2022.

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 August 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 6, 2022.

The Center appointed Nicholas Smith as the sole panelist in this matter on September 13, 2022. 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 London-based global security company that provides security and facility services in more than 80 countries around the world. The Complainant employs 800,000 employees worldwide to provide its services. The Complainant offers its services under the trade mark G4S (“G4S Mark”) which it has used for over 15 years.

The Complainant holds a registered trade mark in various jurisdictions for the G4S Mark including in the United States (registration No.3378800) for goods and services in Classes 9, 39 and 45, registered on February 5, 2008.

The Domain Name was registered by the Respondent on October 12, 2021. It is presently inactive however prior to the commencement of the proceeding briefly resolved to a website (the “Respondent’s Website”) that purported to offer home repair solutions under a “G4ss” logo.

5. Parties’ Contentions

A. Complainant

The Complainant makes the following contentions:

- (i) that the Domain Name is identical or confusingly similar to the Complainant’s G4S Mark;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) that the Domain Name has been registered and is being used in bad faith.

The Complainant is the owner of the G4S Mark, having registered the G4S Mark in the United States and other jurisdictions. The Domain Name is confusingly similar to the G4S Mark, merely adding the misspelled word “scompy” to the wholly incorporated G4S Mark.

There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Respondent is not commonly known as the Domain Name nor has the Complainant provided a licence or authorization to register the Domain Name or any domain name incorporating the G4S Mark. There is no evidence, since the Respondent registered the Domain Name, of the Respondent’s use of, or demonstrable preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services or for a legitimate noncommercial purpose. Rather the Domain Name is presently inactive and the Respondent’s Website does not appear to be a website associated with an actual trading business. Nor does their appear to be a company known as G4ss company registered at the Respondent’s location.

The Domain Name was registered and is being used in bad faith. Given the reputation of the Complainant and the nature of the Domain Name, it is likely that the Respondent had knowledge of the G4S Mark at the time of registration and the Domain Name was registered for the purpose of typosquatting. The Domain Name is being held pending use that will undoubtedly take advantage of any confusion between the Domain Name and the Complainant’s G4S Mark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

To prove this element the Complainant must have trade or service mark rights and the Domain Name must be identical or confusingly similar to the Complainant's trade or service mark.

The Complainant is the owner of the G4S Mark, having registrations for the G4S Mark as a trade mark in the United States.

The Domain Name consists of the G4S Mark with the addition of the misspelled word "scompy". Other UDRP panels have repeatedly held that where the relevant trade mark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element; see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel finds that the Domain Name is confusingly similar to the Complainant's G4S Mark. Consequently, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

To succeed on this element, a complainant must make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name. If such a *prima facie* case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

Paragraph 4(c) of the Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests in a domain name:

"Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

The Respondent is not affiliated with the Complainant in any way. The Respondent has not been authorized by the Complainant to register or use the Domain Name or to seek the registration of any domain name incorporating the G4S Mark or a mark similar to the G4S Mark.

The Whois lists "G4ss company" as registrant of record. However, as discussed below, the Panel is not satisfied that the Respondent is actually commonly known under this name as opposed to simply registering the Domain Name under a pseudonym for the purpose of asserting rights or legitimate interests. The Respondent has provided no evidence that an entity known as "G4ss company" exists and is actively trading. Even if a respondent's name appears from the Whois record to correspond to the domain name, without additional affirmative evidence, it can be concluded that such a respondent is not commonly known by the disputed domain name under Policy 4(c)(ii).

There is no evidence that the Respondent has used or made demonstrable preparations to use the Domain Name in connection with a legitimate noncommercial fair use or a *bona fide* offering of goods and services. The Domain Name is presently inactive. While the Respondent briefly operated a website purporting to offer home repair solutions, this website appeared to be unfinished and unconnected to any actual trading operation. The Panel notes that there appears to be no entity called "G4ss company" registered in the purported trading location. Furthermore, even if there as an entity called "G4ss company", it would make no sense to register the Domain Name, which misspells the word "company". Rather the Panel considers that it is likely that, given the typosquatting nature of the Domain Name, the Respondent has registered the Domain name to take advantage of the Complainant's reputation in the G4S Mark and both the purported name of the Respondent and the Respondent's Website were created to provide a veneer of legitimacy to the activity. The Panel finds that the Respondent's conduct does not, absent further explanation, amount to use for a *bona fide* offering of goods and services.

The Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has failed to rebut that *prima facie* case and establish that it has rights or legitimate interests in the Domain Name under the Policy. The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trade mark or service mark or to a competitor of the complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location. (Policy, paragraph 4(b)).

The Panel finds that the Respondent, on the balance of probabilities, was aware of the Complainant and its reputation in the G4S Mark at the time the Respondent registered the Domain Name. The Complainant's G4S Mark is well known, having been in use for over 15 years in 80 countries. The Respondent has provided no explanation, and none is immediately obvious, why an entity would register the Domain Name that wholly incorporates the G4S Mark and a misspelling of the word "company", unless there was an awareness of and an intention to create a likelihood of confusion with and the Complainant and its G4S Mark. In these circumstances, the Respondent's conduct in registering the Domain Name when it was aware of the Complainant's rights and lacked rights or legitimate interests of its own amounts to registration in bad faith.

As discussed under the heading "Rights and Legitimate Interests" the Panel is unpersuaded that the Respondent's Website, or any other aspect of the Respondent's conduct, provides a basis to infer that the Respondent's has registered or used the Domain Name in good faith. Rather, the Panel is prepared to infer,

based on the conduct of the Respondent, including the nature of the Domain Name, being a misspelled version of the words “G4S company”, and the failure by the Respondent to participate in this proceeding or otherwise provide any explanation of its conduct, that the Domain Name is most likely presently being held pending use as website or email address that will make reference to the Complainant in an illicit or unapproved manner for the Respondent’s commercial gain. As such, the Panel finds that neither the previous use of the Domain Name for the Respondent’s Website, nor the present inactive use of the Domain Name, prevents a finding of use in bad faith.

Accordingly, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <g4sscompny.com> be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: September 22, 2022