

ADMINISTRATIVE PANEL DECISION

Alstom v. GST AUTO

Case No. D2022-3885

1. The Parties

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

The Respondent is GST AUTO, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <alstmogroup.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 17, 2022. On October 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 19, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on October 19, 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 October 20, 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 October 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 24, 2022.

The Center appointed Adam Samuel as the sole panelist in this matter on December 7, 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 manufacturer of trains and other transport infrastructure. The Complainant owns a number of trademarks for the mark ALSTOM, including US trademark registration number 85250501, registered on July 22, 2014. The Complainant registered the domain name <alstom.com> on January 20, 1998 and <alstomgroup.com> on November 14, 2000, through which it promotes its products.

The disputed domain name was registered on September 19, 2022. The disputed domain name resolves to a parking page with pay-per-click links.

5. Parties' Contentions

A. Complainant

The disputed domain name imitates the Complainant's trademark ALSTOM by reproducing the Complainant's trademark in a misspelled way. The Complainant's trademark is directly recognizable within the disputed domain name given its location in first position and its association with the second word "group" which is purely descriptive. The suffix ".com" only indicates that the disputed domain name is registered in the ".com" generic Top-Level Domain ("gTLD").

The Respondent is not affiliated in any way to the Complainant. The Complainant has not authorized, licensed or permitted the Respondent to register or use a domain name incorporating their trademarks. The Respondent has not applied for or obtained any trademark registrations related to the name ALSTMO and is not commonly known by that name.

The well-known character of the Complainant's name makes it virtually impossible that the Respondent was not aware of the Complainant's activities when it registered the disputed domain name. The Respondent registered the disputed domain name in the name of GDPR MASKED. By doing this, the Respondent prevents the Complainant from identifying it and take action against it with respect to their unlawful behaviour.

The Whois information gives the location of the Respondent as being in "Flroida" in Germany. There is no such place but there is the US state of Florida which is where the address supplied by the Registrar for the Respondent is located in a hotel.

The disputed domain name includes a misspelling of the Complainant's trademark and the Complainant's domain name <alstomgroup.com>. People receiving emails from the disputed domain name's server address may not be able to see the difference between that name and the Complainant's server address.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (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 and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant's distinctive trademark ALSTOM, with the last two letters swapped over, the word "group" and the gTLD ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The addition of the word "group" does not prevent the recognition of the Complainant's trademark in the disputed domain name. As, Section 1.8 of the [WIPO Overview 3.0](#) says:

"Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, [...] meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

The swapping over of the last two letters in the Complainant's trademark in the disputed domain name appears to be a deliberate typographical error. "Alstmo" is not a word with any independent meaning.

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [...]"

Examples of such typos include [...] substitution of similar-appearing characters (e.g. [...] numbers used to look like letters)."

For all these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent is not called "Alstmogroup" or anything similar. There is no evidence that the Complainant has ever authorized the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose.

Based on the available record, where the Complainant has made out a preliminary case that the Respondent lacks rights or legitimate interests, and in the absence of any response on this point, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The inversion of the last two letters of the Complainant's trademark before the generic "group" in the disputed domain name suggests that this is a typosquatting case.

Section 1.9 of the [WIPO Overview 3.0](#) says:

"Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant."

The Complainant's trademark is well known. The dispute domain name is the same as the Complainant's domain name <alstomgroup.com> with the exception of the inversion of the last two letters of the

Complainant's trademark. This suggests that when the Respondent registered the disputed domain name, it knew about the Complainant's business.

Section 3.1.4 of [WIPO Overview 3.0](#) provides that "[p]anelists have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith".

The Respondent was either seeking to divert Internet users looking for the Complainant's very similar website address <alstomgroup.com> to its own website or was seeking to use the disputed domain name to send fraudulent emails purporting to be the Complainant. Each would represent registration and use in bad faith.

For all these reasons, the Panel concludes that the Respondent registered and is using the disputed domain name 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 <alstomgroup.com> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: December 21, 2022