

## ADMINISTRATIVE PANEL DECISION

Alstom v. Job NA, NA  
Case No. D2024-0612

### 1. The Parties

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

The Respondent is Job NA, NA, United States of America ("United States").

### 2. The Domain Name and Registrar

The disputed domain name <alstomgrorup.com> (the "Domain Name") is registered with GMO Internet, Inc. d/b/a Onamae.com (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 9, 2024. On February 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 13, 2024, 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").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on March 22, 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 French company founded in 1928. It is one of the leading global companies involved in power generation, power transmission and rail infrastructure, employing 74,000 professionals in more than 70 countries over 350 sites. It develops and markets a complete range of systems, equipment, and services for the railway industry. The Complainant has been present in the United States for over 170 years, employing 4,500 employees across 45 sites in 19 states, and developing urban transport for major American cities, transit agencies, railroads and airport transit systems.

The Complainant is the proprietor of numerous registered trademarks around the world in respect of the mark ALSTOM, including France trademark number 98727762 figurative word mark ALSTOM registered on October 9, 1998, International trademark number 706360 figurative word mark ALSTOM registered on August 28, 1998 and United States trademark number 2898433 figurative word mark ALSTOM registered on November 2, 2004.

The Complainant is the registrant of numerous domain names comprising ALSTOM including <alstom.com> registered in January 1998 and <alstomgroup.com> registered in November 2000, both of which resolve to the website at “www.alstom.com” promoting the Complainant’s products and services.

The Domain Name was registered on February 7, 2024. It does not resolve to an active website.

#### **5. Parties’ Contentions**

##### **A. The Complainant**

The Complainant contends that the Domain Name is confusingly similar to its ALSTOM trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. The Complainant alleges that on the date of registration of the Domain Name it became aware that an email address using the Domain Name had been used to send emails to one of the Complainant’s commercial partners.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used 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 3.0](#), section 1.7.

The Complainant has uncontested rights in the trademark ALSTOM (the “Mark”), both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through use by the Complainant of the Mark over very many years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Complainant’s mark together with the term “grorup” that appears to be a deliberate misspelling of the word “group”. In the Panel’s view, this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

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. Accordingly, 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.

The Panel considers that the Complainant has made out a strong prima facie case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. Although the Complainant has not adduced any supporting evidence, the unchallenged allegation of the Complainant is that the Domain Name has been used for an email address for emails to one of its commercial partners, presumably intended to deceive recipients into believing that the emails were being sent from a legitimate account of the Complainant. Such activity could not possibly demonstrate rights or legitimate interests.

In any event, the Domain Name is, in the Panel’s view, a typical example of typosquatting, whereby a domain name incorporating a well-known brand name is registered with a minor variation of a common suffix to a brand name (such as “group”) with a view to taking advantage of typographical errors or mistaken perception by Internet users. Such a registration cannot possibly, on the face of it, give rise to rights or legitimate interests on the part of the registrant of a domain name. Furthermore, the Respondent has not made any use of the Domain Name that might give rise to such rights or interests.

Having reviewed the available evidence, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Accordingly, the Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Given the nature of the Domain Name, incorporating the entirety of the notorious ALSTOM mark, the typosquatting format of the Domain Name, and the unchallenged allegation that the Domain Name has been used for fraudulent emails purporting to originate with the Complainant group, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the Mark in mind when it registered the Domain Name.

Panels have held that the use of a domain name for illegal activity such as phishing, distributing malware, unauthorized account access/hacking or impersonation/passing off constitutes bad faith.

[WIPO Overview 3.0](#), section 3.4.

Furthermore, the Panel considers that typosquatting amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

Based on the available evidence, 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 Domain Name <alstomgrorup.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: April 3, 2024