

ADMINISTRATIVE PANEL DECISION

SAFRAN v. Daniel Pam Browers

Case No. D2024-3079

1. The Parties

The Complainant is SAFRAN, France, internally represented.

The Respondent is Daniel Pam Browers, United States of America (“U.S.”).

2. The Domain Name and Registrar

The disputed domain name <safran-group.team> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2024. On July 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (REDACTED FOR PRIVACY, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 31, 2024, 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 amendment to the Complaint on August 1, 2024.

The Center verified that the Complaint together with the amendment to 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 August 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2024.

The Center appointed Petra Pecar as the sole panelist in this matter on September 10, 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, Safran, is an international high-technology group operating in the aviation (propulsion, equipment, and interiors), defense, and space markets. Established as a holding company, the Complainant controls various subsidiaries in these sectors, including Safran Aero Boosters, Safran Aerosystems, Safran Aircraft Engines, Safran Cabin, Safran Electrical & Power, Safran Electronics & Defense, Safran Helicopter Engines, Safran Landing Systems, Safran Nacelles, Safran Seats, and Safran Transmission Systems. With a global presence, the Complainant employs 92,000 people and reported sales of EUR 23.2 billion in 2023.

The Complainant owns various registrations for its brand SAFRAN, used in connection with the aviation, defense, and space industries, including:

- European Union Registration No. 004535209, for the word mark SAFRAN, registered on August 17, 2009, in classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42; and
- International Registration No. 884321, for the word mark SAFRAN, registered on August 5, 2005, in classes 2, 7, 9, 11, 12, 13, 16, 36, 37, 38, 41, and 42.

The Complainant operates its official website at “www.safran-group”.com and is the registrant of domain names reflecting its SAFRAN mark, including <safran-group.com>, registered on February 25, 2005, <safran-group.fr>, registered on February 28, 2005, <safran-group.us>, registered on March 16, 2005, <safran-group.org>, registered on March 15, 2005.

The disputed domain name was registered on May 27, 2024, and at the time of the complaint filing it was redirected to the Complainant official website at <safran-group.com>.

The Respondent is an individual from U.S.

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 the disputed domain name reproduces the mark SAFRAN. The addition of the term “group” mirrors its use in the Complainant's own domain names, and the generic Top-Level Domain (“gTLD”) “.team” extension suggests an association with Complainant's team-structured business. The disputed domain name combination directly refers to the Complainant and its activities, as the Complainant is often referred to as “Safran Group” in media and news. An uninformed Internet user seeking information about the Complainant could reasonably believe that the disputed domain name belongs to the Complainant, creating a risk of confusion.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not used the disputed domain name, nor any corresponding name, at any time in connection with a bona fide offering of goods or services. Furthermore, the Respondent is not commonly known by the disputed domain name. Additionally, the Complainant has not licensed or authorized the Respondent to use the SAFRAN mark and has no relationship with the Respondent.

The Complainant alleges that the Respondent registered and used the disputed domain name <safran-group.team> in bad faith by exploiting the SAFRAN mark without any affiliation to the Complainant. The disputed domain name redirects to the Complainant's domain name <safran-group.com> without authorization, indicating an intentional attempt to confuse users and leverage Complainant's well-known brand.

B. Respondent

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

6. Discussion and Findings

As the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

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;
- (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 SAFRAN 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 hyphen and term "group", which is descriptive for the Complainants' business field 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.

Furthermore, it is well accepted practice by UDRP panels that a gTLD, such as ".team", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take gTLD ".team" when assessing confusing similarity of the disputed domain name.

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.

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.

According to the Complainant, it seems that the Respondent is not associated or connected with the Complainant in any way, and the Complainant has not granted the Respondent any license or authorization to use or register any domain name that includes the Complainant’s SAFRAN mark. The Respondent has further failed to provide a Response to the Complaint, thereby failing to present any information or factors that could potentially justify prior rights or legitimate interests in the disputed domain name. Additionally, there appears to be no evidence of the Respondent engaging in any legitimate or genuine use of the disputed domain name, whether for noncommercial or bona fide activities, since the disputed domain name, at the time of the complaint filing, resolved to the Complainant’s official website hosted on the Complainant’s domain name <safran-group.com>.

The disputed domain name redirection clearly demonstrates the Respondent’s intent to mimic the Complainant’s established online presence rather than use the disputed domain name for any independent or legitimate purpose. Panels have held that the use of a domain name for impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Respondent registered the disputed domain name 19 years after the Complainant had already registered its SAFRAN mark. Given the association between the Complainant and the SAFRAN mark, and the fact that the disputed domain name was at the time of complaint filing redirected to the Complainant’s official website, it is evident that the Respondent was aware of the Complainant and its rights in the SAFRAN mark at the time of registering the disputed domain name. Moreover, the redirection of the disputed domain name further evidences that the Respondent had actual knowledge of the Complainant and its SAFRAN mark. This conduct indicates an intention to mislead Internet users for commercial gain into believing there is a connection with the Complainant, thereby seeking commercial advantage through creation of a likelihood of confusion with the Complainant’s SAFRAN mark. [WIPO Overview 3.0](#), section 3.1.4.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here impersonation constitutes bad faith ([WIPO Overview 3.0](#), section 3.4). Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name, including its redirection which serves as impersonation, constitutes bad faith under the Policy. Furthermore, the redirection of the disputed domain name raises concerns about the Respondent's intent to exploit the domain for unlawful purposes.

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 <safran-group.team> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: September 24, 2024