

ADMINISTRATIVE PANEL DECISION

ALSTOM v. Larry Reed

Case No. D2024-4133

1. The Parties

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

The Respondent is Larry Reed, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <asltomgroups.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 8, 2024. On October 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 2024, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 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 amended Complaint on October 14, 2024.

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 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 18, 2024.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on November 27, 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 incorporated back in 1928 doing business globally in the sectors of power generation, power transmission and rail infrastructure, employing 80,000 professionals in more than 63 countries, over 250 sites.

The Complaint has important activities in the US, where it has been present for more than 170 years, actively contributing to the development of urban transport in the country. The Complainant also built the first high-speed train in the US and presently employs 4,500 employees across 45 sites in 19 states.

Amongst others, the Complainant owns the following trademark registrations:

- The United States Trademark Registration No. 85507371, for the ALSTOM mark, registered on April 2, 2013.
- The International Trademark Registration No. 706360, for the ALSTOM mark, registered on August 28, 1998.
- European Union Trademark Registration No. 000948729, for the ALSTOM mark, registered on August 8, 2001.

The Complainant owns an extensive portfolio of domain names in connection to the mark ALSTOM, namely:

- <alstomgroup.com> registered since November 14, 2000;
- <alstomgroups.com> registered since June 2, 2017;
- <aslomgroup.com> registered since June 27, 2023;
- <astlomgroup.com> registered since June 30, 2023.

The Complainant also owns a great number of companies and trade name rights on the denomination "ALSTOM", such as, ALSTOM Transport Technologies, ALSTOM Transport, ALSTOM Power, ALSTOM Hydro, ALSTOM Grid, ALSTOM Holdings, ALSTOM Management, etc. These companies all form the ALSTOM group.

The disputed domain name was registered on September 26, 2024.

The Complainant sent a cease and desist letter on September 30, 2024 to the Respondent via the Registrar's Whols contact email. The Respondent did not answer.

At the time of the filing of the Complaint, the disputed domain name resolved to a parking page with links referring to investment activities and opportunities. At the time of this Decision, the disputed domain name resolves to a website displaying the message "It is not possible to access this site".

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:

1. the disputed domain name is confusingly similar to their numerous trademarks.
2. the disputed domain name results in the combination of the elements "ASLTOM", a clear misspelling of the name "ALSTOM", and of the element "GROUPS", which only refers to a group of companies and of the suffix ".com", which only indicates that the disputed domain name is registered in the gTLD.

3. the term “ASLTOM” will be perceived as a misspelling of the word “ALSTOM”, the letters “S” and “L” are simply inversed.
4. the risk of confusion is more heightened due to ALSTOM's well-known character and reputation.
5. many decisions under the UDRP have considered the name “ALSTOM” as famous and/or well-known trademarks.
6. the Internet users will directly recognize and mistake the imitation for the Complainant's trademarks and trade name within the disputed domain name and will believe that it has been registered by ALSTOM or a company in the ALSTOM group in order to present their activities.
7. the denomination “GROUPS” will be directly perceived by the Internet users as referring to ALSTOM's groups of companies.
8. the disputed domain name barely differs from the <alstomgroup.com>, <alstomsgroup.com>, <asltomgroup.com> and <astlomgroup.com>, domain names of which the Complainant is also the holder and are all prior to the disputed domain name.
9. the Respondent is not affiliated in any way to ALSTOM. The Complainant has not authorized, licensed or permitted the Respondent to register or use a domain name incorporating their trademarks.
10. the Respondent has no rights or legitimate interests in respect to the disputed domain name.
11. the disputed domain name imitates the Complainant's trademarks and was acquired long after ALSTOM's marks became well known.
12. it is virtually impossible that the Respondent was not aware of the Complainant's activities at the time it registered the disputed domain name.
13. the disputed domain name is not used in relation to a bona fide offering of goods or services.
14. the disputed domain name is a clear case of deliberate typosquatting.
15. the disputed domain name was clearly registered in bad faith.

B. Respondent

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

6. Discussion and Findings

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 trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable 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.

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. [WIPO Overview 3.0](#), section 1.9. In the light of the above, it is the Panel's view that the simple inversion of two letters of the disputed domain name, in the case at hand “L” and “S”, is to be considered as a common or obvious misspelling of the ALSTOM trademark.

Although the addition of other terms—here, ‘groups’—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.

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.

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.

The present case is a clear example of deliberate typosquatting.

In the present case, the Panel notes that the Respondent has intentionally misspelled the Respondent trademark to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant’s mark.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <aslomgroups.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: December 6, 2024