

ADMINISTRATIVE PANEL DECISION

Europcar Mobility Group SA v. NameInvest Inc.

Case No. D2024-4566

1. The Parties

The Complainant is Europcar Mobility Group SA, France, represented by Taylor Wessing LLP, United Kingdom.

The Respondent is NameInvest Inc., United States of America.

2. The Domain Name and Registrar

The disputed domain name <europcarmobility.com> is registered with PSI-USA, Inc. dba Domain Robot (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 6, 2024. On November 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 2024, the Registrar transmitted by email to the Center its verification response disclosing further registrant and contact information for the disputed domain name which differed from the Respondent's contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 November 15, 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 November 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2024.

The Center appointed Dietrich Beier as the sole panelist in this matter on December 13, 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 adopted its current name in 2018 and is the owner of the Europcar group of companies which specialises in car rental and mobility services. Such group began operations under the Europcar brand in France in 1949 and now operates across a network of 170 countries worldwide with approximately 200 airport locations in Europe and 600 around the world.

The Europcar Group owns over 500 trade mark registrations containing the name EUROPCAR through the world, and over 50 containing the words EUROPCAR MOBILITY, among them the European Union Trademark 017875478 for EUROPCAR MOBILITY GROUP in classes 12, 35, 36 and 39, registered on August 4, 2018, and being in effect.

The disputed domain name was registered on August 1, 2021.

The disputed domain name is for sale and contains links to competitors and portals for car renting.

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 identically the words EUROPCAR MOBILITY. The difference between the disputed domain name and the Complainant's trade mark EUROPCAR MOBILITY GROUP is the deletion of "Group" which as a generic term should be disregarded when comparing the disputed domain name with the Complainant's trade mark.

The Complainant also confirms that it has no connection with the Respondent or the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use the Complainant's intellectual property.

The Complainant contends that the Respondent's registration and use of the disputed domain name will disrupt the business and image of the Europcar Group by misleading members of the public into believing that the disputed domain name is connected with the EuropCar Group or the Complainant, and/or it will otherwise impede members of the public searching for genuine EUROPCAR websites, due to the confusing similarity to the Europcar Group brands and to the Complainant and their trade mark registrations for EUROPCAR MOBILITY GROUP.

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

The Panel finds the marks are clearly recognizable within the disputed domain name. The missing element “Group” is generic and does not contribute to the distinctiveness of the mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

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. This is in particular the case since the Complainant did not grant any permission or consent to the Respondent to use its trademark. In other words, the Complainant had not authorised the Respondent to make use of its mark. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no evidence that the Respondent is commonly known by the name “EUROPCARMOBILITY” or that the Respondent is using the disputed domain name in connection with a bona fide offering of related goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Due to the trademarks of Complainant widely known (see also *Europcar International S.A.S.U. v. Martina Zammit*, WIPO Case No. [D2022-0449](#)), at the time of the registration of the disputed domain name, the Respondent must have been well aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant had not authorised the Respondent to make use of its mark.

The Respondent’s failure to come forward with any explanation for the registration of the disputed domain name in a response, noting the composition of the disputed domain name, indicates that the Respondent targeted the Complainant.

Also the further circumstances of this case, inter alia the Respondent’s website with advertising links to competitors and car rental portals indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on

such website or location.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with 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 disputed domain name <europcarmobility.com> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: December 23, 2024