

ADMINISTRATIVE PANEL DECISION

Dassault Systemes v. Michael Nava, Domain Nerdz LLC
Case No. D2024-4678

1. The Parties

The Complainant is Dassault Systemes, France, represented by IP Twins, France.

The Respondent is Michael Nava, Domain Nerdz LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <3dexperience.net> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 13, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 13, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 22, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default December 20, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on January 10, 2025. 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 Dassault Systemes, part of the Dassault Systemes group of companies.

The Complainant is a leader in the field of virtual representations of real-world entities or systems, which come in the form of software objects or models that mirror physical objects, processes, organizations, persons or other abstractions.

According to its website, the Complainant's group has more than 22,500 employees worldwide on over 195 sites spread across 136 countries, as well as more than 300,000 enterprise customers.

Among the Complainant's solutions, 3DEXPERIENCE is a collaborative platform allowing the Complainant's clients to connect people, ideas, data and processes in a single and unified environment. 3DEXPERIENCE is one of the Complainant's core brands.

The Complainant's corporate website is available at "www.3ds.com". The Complainant also owns the subdomain name <3ds.com/3dexperience>.

The Complainant holds trademark rights worldwide on 3DEXPERIENCE, with the following registrations:

- International Trademark Registration 3DEXPERIENCE No. 1128384, registered on June 28, 2012, duly renewed, covering goods and services in international classes 9, 35, 38 and 42, designating the United States of America among other countries; and
- United States trademark registration 3DEXPERIENCE No. 4412666, registered on October 8, 2013, duly renewed and covering goods and services in international classes 9, 35, 38 and 42.

The trademark 3DEXPERIENCE is also registered in Brazil, Canada, Chile, Indonesia, France, Japan, and Mexico to name a few jurisdictions.

The disputed domain name was registered on June 3, 2022. The disputed domain name redirects to a webpage, offering the disputed domain name for sale for USD1,988 with a legend stating: "The domain name 3dexperience.net is for sale!".

5. Parties' Contentions

A. Complainant

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

Firstly, the Complainant submits that the disputed domain name is identical to the trademark registrations of the Complainant.

Secondly, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Thirdly, the Complainant submits that the disputed domain name was registered and is being used 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 notes that the domain name is composed of two generic/dictionary terms "3d" and "experience". The Panel finds that the circumstances of this case indicate that, on the balance of probabilities, the Respondent registered the disputed domain name with the intention to unfairly target the Complainant's mark rather than in connection with any dictionary meaning of the terms that it comprises (which, as combined, are the Complainant's trademark).

The disputed domain name redirects to a webpage offering the disputed domain name for sale for USD1,988 with a legend stating: "The domain name 3dexperience.net is for sale!". Noting its findings above and in section 6.C below, the Panel concludes that such use would not support a claim to rights or legitimate interests in the circumstances of this case.

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 Complainant is a specialized company dedicated to technological services;
- The Complainant has been using the trademark for more than a decade;
- A search on the Internet for the term “3dexperience” shows that all top results are related to the Complainant, including the Complainant’s subdomain <3ds.com/3dexperience>;
- The disputed domain name was registered on June 3, 2022;
- The Respondent is using the disputed domain name to redirect to a third-party webpage where it is offered for sale; and
- The Respondent is in default.

In addition, the Panel notes that the disputed domain name is on sale for USD 1,988. Since the Respondent is in default, the Panel assumes that this amount is more than the cost incurred in the registration of the disputed domain name.

The Panel also takes into account that the Respondent has been a respondent in twenty-eight previous UDRP cases. In all those twenty-eight cases it was held that the domain names involved in those cases were registered and used in bad faith.

The Panel is aware that each case must be decided on its own merits, but here it is evident that there has been a pattern of abusive registrations by the Respondent.

The Respondent defaulted. In any event, in the absence of any clear explanation of his purpose, the Panel thinks it is reasonable to infer that, on the balance of probabilities, the Respondent did intend to unfairly target the Complainant’s mark.

Taking into consideration all cumulative circumstances of this case, the Panel finds that the disputed domain name was registered and is being used for targeting the Complainant’s trademarks, in bad faith, with the intention of obtaining a free ride on the established reputation of the Complainant and its trademarks, and, within the meaning of paragraph 4(b)(i) of the Policy, with the intention of selling it primarily to the Complainant or to its competitors.

In light of all the circumstances enumerated above, 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 <3dexperience.net> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: January 24, 2025