

## **ADMINISTRATIVE PANEL DECISION**

**ENGIE v. Host Master, Njalla Okta LLC**

**Case No. D2024-4756**

### **1. The Parties**

The Complainant is ENGIE, France, represented by Ebrand France, France.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

### **2. The Domain Name and Registrar**

The disputed domain name <particulier-engie.com> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 19, 2024. On November 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 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 22, 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 25, 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 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 18, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on January 2, 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, ENGIE, is a French international company dealing in energy transition services and distribution of electricity, natural gas, nuclear power, and renewable energies.

The Complainant was founded in 2015 as result of the merger between Gaz de France, founded in 1946, and Suez, founded in 1858.

The Complainant claims that the ENGIE Group had 96,454 employees at the end of December 2022 with a turnover of EUR 93.9 billions in 2022 and that the ENGIE Group is established in 31 countries and looks after 190,000 B2B customers and EUR 22.5 million in B2C energy supply and service contracts.

The Complainant owns numerous registrations for the trademark ENGIE in several jurisdictions, including the following:

- International Trademark Registration No. 1282374 ENGIE (in stylized characters), registered on July 28, 2015, in classes 1, 4, 7, 9, 11, 35, 36, 37, 38, 39, 40, 41, 42 and 45; and
- European Union Trademark Registration No. 014337133 ENGIE, registered on February 20, 2016, in classes 1, 4, 7, 9, 11, 35, 36, 37, 38, 39, 40, 41, 42 and 45.

Also, the Complainant owns many domain names which include the trademark ENGIE, such as <engie.com>, registered on September 30, 2003, which directs to the Complainant's official website, and <particuliers-engie.com>, registered on February 25, 2016.

The disputed domain name was registered on August 13, 2024.

The disputed domain name was directing to a site reproducing the trademarks and logos of the Complainant. According to a screenshot provided in the Complaint, the disputed domain name contained a login screen requiring Internet users to input an email address and a password to access the website.

#### **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 or confusingly similar 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. In particular, the Complainant asserts that the disputed domain name previously redirected to a mirror site reproducing the Complainant's official website, trademarks, logos, photos and graphical charter, and displaying a login screen. According to the Complainant, the Respondent was using this login screen to collect sensitive and confidential data by confusing users "who think they are logging into their customer area using either their contact details or their France Connect access".

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to each disputed domain name:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

### **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 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here like "particulier" or a hyphen ("-") 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, or other types of fraud 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 Complainant is a well-known energy company that has long been operating in the market;
- the disputed domain name was registered on August 13, 2024; and
- the disputed domain name resolved to a website that contained a login screen using the trademark and logo of the Complainant.

Thus, the Respondent was aware of the Complainant and its ENGIE trademark, as reflected in the copying of the Complainant's trademark and logo and the background photo from the Complainant's website.

The evidence indicates that the disputed domain name has intentionally been used in an attempt to attract, for commercial gain, users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's trademark, logo and website, in order to induce users to enter their personal data in the login form. Such use constitutes bad faith.

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 <particulier-engie.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: January 16, 2025