

ADMINISTRATIVE PANEL DECISION

Safran v. mon nehh, BiG
Case No. D2024-4963

1. The Parties

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

The Respondent is mon nehh, BiG, United States of America ("United States").

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 2, 2024. On December 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 2, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 6, 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 December 9, 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 December 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 15, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on January 23, 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 an international high-technology group, operating in the aviation, defense and space markets. Safran has a global presence, with more than 95,000 employees and sales of EUR 16.5 billion in 2020. It is the proprietor of numerous registered trademarks around the world comprising the mark SAGEMCOM (the "Mark"), including International trademark number 1023960 SAGEMCOM registered on July 30, 2009, designating a number of jurisdictions including the United States; and European Union trademark number 007562739 SAGEMCOM registered on March 8, 2010.

The Complainant is also the owner of 70 domain names comprising SAGEMCOM, including <sagemcom.com> and <sagemcom.us>. These domain names resolve to the website at "www.sagemcom.com/en" promoting the activities of the French company Sagemcom Broadband SAS ("Sagemcom") to which the Complainant has granted a worldwide, exclusive licence of the SAGEMCOM trademark and name. SAGEMCOM is a leading European group on the high added value communicating terminals market, whose turnover totals more than EUR 3 billion and which has around 6,500 employees in more than 50 countries.

The Domain Name was registered on November 18, 2024. It does not resolve to an active website. The Domain Name's zone file is configured with Mail Exchanger records (also known as MX records) such that the Domain Name is configured to send and receive email.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the Mark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used 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 trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Ignoring the generic Top-Level Domain ".com", the Domain Name comprises the entirety of the Complainant's SAGEMCOM mark, save that the two letters "nn" have been substituted for the letter "m". As many panels have held previously, choosing the letters "nn" to replace "m" creates a visual appearance of confusing similarity, and is indicative of "typosquatting". In the Panel's view, such misspelling does not prevent a finding of confusing similarity between the Domain Name and the Mark. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and 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. Accordingly, 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.

The Domain Name is not being used for an active website. In the absence of any explanation from the Respondent, it is difficult to conceive a legitimate purpose for registering a domain name identical to the Complainant's Mark save for the substitution of the letter "m", or any possible justification for the Respondent having registered the Domain Name.

In the Panel's view, the Domain Name is a typical example of typosquatting, whereby a domain name is registered with a minor variation of a well-known brand name with a view to taking advantage of typographical errors or mistaken perception by Internet users. Such a registration cannot possibly, on the face of it, give rise to rights or legitimate interests on the part of the registrant of a domain name.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 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

In light of the nature of the Domain Name, comprising a slight misspelling of the Complainant's name and Mark, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name, and that it did so with the intention of using the Domain Name to deceive Internet users into believing that it was registered by or associated with the Complainant for legitimate purposes related to the Complainant's activities.

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.

Despite the fact that there appears to be no active use of the Domain Name, section 3.3 of the [WIPO Overview 3.0](#) notes that, from the inception of the UDRP, panelists have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. It depends on the facts of the case, including "(i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put".

In this case, the Complainant's mark is distinctive and the (typo) Domain Name is a clear attempt to mislead Internet users; the Respondent has failed to respond to the Complaint. Taking all of this into account, the Panel therefore finds it difficult to conceive of any good faith use to which the Respondent could put the Domain Name.

Furthermore, the Panel considers that typosquatting amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy. In addition, the active MX records give rise to the risk that fraudulent or phishing emails may be sent using the Domain Name.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in 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 Domain Name <sagenncom.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: February 6, 2025