

ADMINISTRATIVE PANEL DECISION

Alstom v. suresh willsonraj
Case No. D2024-5190

1. The Parties

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

The Respondent is suresh willsonraj, India.

2. The Domain Name and Registrar

The disputed domain name <alstomgrup.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2024. On December 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 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 19, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2025. The Respondent sent email communications to the Center on December 28, 2024. The Center sent an email to the Parties regarding a possible settlement on December 30, 2024. Despite the Complainant’s attempt to settle the dispute with the Respondent on January 30, 2024, the Respondent did not provide any further communication. The Center informed the Parties that it would proceed with Panel Appointment on January 21, 2025.

The Center appointed Johan Sjöbeck as the sole panelist in this matter on January 27, 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 a French company created in 1928, and active inter alia in the area of power generation, power transmission and rail infrastructure. The Complainant has submitted evidence that it is the owner of a large number of ALSTOM trademark registrations in various countries and classes, including:

Indian trademark ALSTOM with registration number 1798988 filed on March 24, 2009 in classes 37, 39, 40 and 42.

Indian trademark ALSTOM with registration number 1806681 filed on April 15, 2009 in class 09.

Indian trademark ALSTOM with registration number 819288 filed on September 15, 1998 in class 06.

US trademark ALSTOM with registration number 4570546 filed on February 24, 2011 in classes 1, 6, 7, 8, 9, 11, 12, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 45.

International trademark ALSTOM with registration number 706292 ALSTOM filed on August 28, 1998 in classes 1, 2, 4, 6, 7, 9, 11, 12, 13, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42.

European Union trademark ALSTOM with registration number 948729 filed on September 30, 1998 in classes 1, 2, 6, 7, 9, 11, 12, 13, 16, 17, 19, 24, 35, 36, 37, 38, 39, 40, 41 and 42.

European Union trademark ALSTOM with registration number 00948802 filed on September 30, 1998, duly renewed, for goods and services in classes 6, 7, 9, 11, 12, 16, 19, 24, 35, 36, 37, 38, 39, 40, 41 and 42.

The disputed domain name <alstomgrup.com> was registered by the Respondent on December 5, 2024. The website to which the disputed domain name resolves includes references to the Complainant's trademark and activities, and a subscription form where Internet users can enter their email addresses.

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 <alstomgrup.com>.

The Complainant, a French company created in 1928, is a global leader in the world of power generation, power transmission and rail infrastructure, employing 80,000 professionals in more than 63 countries, over 350 sites. In 2022 and 2023, the Complainant's order intake reached EUR 20.7 billion and the Complainant's sales reached EUR 16.5 billion. The Complainant operates worldwide and plays a significant role in the manufacture and overhaul of rolling stock, developing a complete range of systems, equipment, and services in the railway industry.

The Complainant owns trademark registrations comprising the word ALSTOM in numerous jurisdictions worldwide and is the registrant of numerous domain names that reflect the trademark. In addition, the Complainant owns a 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 resolves to a web page reproducing the ALSTOM name in the same font as on the Complainant's official website, together with an image of a train, making direct reference to the Complainant's activities. Reference is made to "sustainable mobility", which is listed as one of the Complainant's main commitments on its official website.

The disputed domain name is confusingly similar to the Complainant's trademark. It results in the combination of the element ALSTOM and of the element "grup". The term "grup" will be perceived either as the Catalan translation of the term "group", or as a misspelling of this same word. The omission of the letter "o" is barely visible and would likely go unnoticed by the non-Catalan-speaking public. If they do notice this, it will simply be perceived as a typo. The term "grup"/ "group" will thus be directly perceived by Internet users as referring to the Complainant's group of companies.

The Respondent is not affiliated in any way to the Complainant. The Complainant has not authorized, licensed or permitted the Respondent to register or use a domain name incorporating the trademark. The Respondent has not applied for or obtained any trademark registrations related to the sign ALSTOM. The Respondent is not commonly known under this name. In light of the above, the Complainant considers that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

Previous WIPO Panels have recognized the mark ALSTOM as a famous and/or well-known trademark. See for example *ALSTOM v. Daniel Bailey*, WIPO Case No. [D2010-1150](#). The disputed domain name, which completely incorporates the Complainant's trademark, was registered long after the Complainant's trademark became well-known. In view of the well-known character of the name ALSTOM, it is virtually impossible that the Respondent was not aware of the Complainant's activities at the time it registered the disputed domain name. The Respondent has registered and used the disputed domain to create a likelihood of confusion with the Complainant's trademark and to take unfair advantage of the Complainant's reputation.

The disputed domain name is not used in relation to a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to a web page reproducing the Complainant's trademark and making direct reference to the Complainant's activities. The Complainant contends that it is a case of deliberate typo-squatting intended to mislead and divert the public. Furthermore, the Respondent has attempted to conceal the identity by using a data anonymization company when registering the disputed domain name. The Respondent has remained silent without replying to the Complainant's contact request. In addition, the Respondent has been cited as the Respondent in other UDRP decisions regarding domain names reproducing well-known trademarks.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, in an informal communication to the Center, the Respondent stated that the registration of the disputed domain name was wrongly created and apologized for any inconvenience.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) that the disputed 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 threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. It is standard practice to disregard the generic Top-Level Domain ("gTLD") under the confusingly similar test. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant is, according to the submitted evidence, the owner of the registered trademark ALSTOM. The disputed domain name <alstomgrup.com> incorporates the trademark in its entirety with the addition of the term "grup", which may either be perceived as the Catalan descriptive term for "group", or as a misspelling of the English term "group". Regardless, the addition of the term "grup" does not prevent a finding of confusing similarity under the first element test.

Having the above in mind, the Panel concludes that the disputed domain name <alstomgrup.com> is confusingly similar to the Complainant's trademark and that the Complainant has proven the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant must show that the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating in accordance with paragraph 4(c) of the Policy any of the following:

- (i) that the Respondent uses or has made preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the disputed domain name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

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. See [WIPO Overview 3.0](#), section 2.1.

The Complainant's trademark registrations for ALSTOM predate the Respondent's registration of the disputed domain name. The Complainant has not licensed, approved or in any way consented to the Respondent's registration and use of the trademark in the disputed domain name.

The evidence in the case indicates that the Respondent has attempted to create an impression of a website created by, belonging to, or endorsed by the Complainant. The Respondent's website, to which the disputed domain name resolves, reproduces the ALSTOM name in the same font as on the Complainant official website together with an image of a train, making direct reference to the Complainant's activities. In addition, the Respondent's website contains the text "Copyright © 2024 Alstom Group - All Rights Reserved." and a form where Internet users can submit their email addresses in order to subscribe to updates. Thus, Internet users may falsely believe that the disputed domain name belongs to or is somehow endorsed by the Complainant.

In the brief informal communication with the Center, the Respondent stated that the disputed domain name was “wrongly created”. Hence, the Respondent has not rebutted the Complainant’s prima facie case or submitted any evidence to demonstrate that the Respondent is the owner of any trademark rights similar to the disputed domain names or that the Respondent is or has been commonly known by the disputed domain names. The Respondent is not making a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Hence, the Respondent has failed to invoke any circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the disputed domain name. Given that there is no evidence in the case that refutes the Complainant’s submissions, the Panel concludes that the Complainant has also proved the requirement under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use include without limitation:

- (i) circumstances indicating the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) circumstances indicating that the disputed domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding disputed domain name, provided there is a pattern of such conduct; or
- (iii) circumstances indicating that the disputed domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the disputed domain name has intentionally been used in an attempted to attract, for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on that website or location.

The Complainant’s trademark registration for ALSTOM predates the registration of the disputed domain name. Considering the Complainant’s long and extensive history and that the Complainant employs 80.000 people in over 63 countries worldwide, the Panel finds it unlikely that the Respondent did not have the Complainant in mind when registering and using the disputed domain name. This is further emphasized by the content of the Respondent’s website, to which the disputed domain name resolves. As mentioned above, the Respondent’s website, reproduces the ALSTOM name in a font similar to the Complainant’s trademark together with an image of a train and the text “Driving Sustainable Mobility Forward”. The subscription form on the Respondent’s website, where Internet users can submit their email addresses for updates, indicates that the Respondent aims to harvest personal information from confused Internet users, potentially for phishing or fraudulent activities. Below the subscription form, the Respondent’s website displays the text “Copyright © 2024 Alstom Group - All Rights Reserved.”.

Thus, the evidence in the case before the Panel indicates that the disputed domain name has intentionally been used in an attempted to attract, for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on that website or location.

There is no evidence in the case that refutes the Complainant’s submissions.

The Panel concludes that the Complainant has proved the requirements under paragraph 4(b) of the Policy and that the disputed domain name <alstomgrup.com> has been registered and is being used in bad faith.

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 <alstomgrup.com> shall be transferred to the Complainant.

/Johan Sjöbeck/

Johan Sjöbeck

Sole Panelist

Date: February 6, 2025