

ADMINISTRATIVE PANEL DECISION

CGI Inc. v. david palmer, palmer david
Case No. D2024-5264

1. The Parties

The Complainant is CGI Inc., Canada, represented by Fieldfisher LLP, United Kingdom.

The Respondent is david palmer, palmer david, France.

2. The Domain Name and Registrar

The disputed domain name <cgi-cz.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 December 20, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 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 (Tucows. Inc. / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 amendment to the Complaint on December 23, 2024.

The Center verified that the Complaint together with the amendment to the 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 did not submit any response. Accordingly, the Center notified the Respondent’s default on January 17, 2025.

The Center appointed Petra Pecar as the sole panelist in this matter on January 20, 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, CGI Inc., is a leading global provider of information technology and business consulting services. Established in 1976, the Complainant is recognized as the largest provider of these services in Canada. The Complainant employs over 90,000 professionals across approximately 400 offices worldwide and serves more than 5,500 clients. In the 2023 fiscal year, it reported a global revenue of CAD 14.3 billion. The Complainant is also widely acknowledged for its excellence, having received accolades such as being named one of the World's and America's Best Management Consulting Firms by Forbes and one of the World's Best Companies by Time Magazine.

The Complainant is the owner of several CGI marks registered worldwide, including the following European Union marks:

- Word mark CGI No. 012007051, registered on December 17, 2013 for goods and services in Classes 9, 35, 37, 38, 39, and 42;
- Word mark CGI No. 001254622, registered on December 14, 2000 for services in Classes 35 and 42; and
- Figurative mark **CGI** No. 018817137, registered on September 11, 2023 for goods and services in Classes 9, 16, 35, 37, 38, 39, 41, and 42.

The Complainant is also the owner of the domain name <cgi.com> which was registered on January 19, 1987. The Complainant operates a primary website at "www.cgi.com", as well as region-specific sites, including one for the Czech Republic at "www.cgi.com/ceska-republika/cs".

The disputed domain name was registered on October 21, 2024 and at the time of the Complaint filing it resolved to a webpage which shows a placeholder from "aruba.it", stating that the disputed domain name <cgi-cz.com> is already registered but otherwise not hosting any content. The Complainant also provides evidence that the disputed domain name was used in connection with a fraudulent scheme.

The Respondent is reportedly located in France.

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 entirely incorporates their distinctive CGI mark, making it confusingly similar. The addition of the hyphen, the descriptive term "cz" indicating the Czech Republic, and the gTLD ".com" does not sufficiently differentiate the disputed domain name and may instead suggest a regional connection to the Complainant. The Complainant highlights that such additions often increase confusion and asserts that the Respondent likely chose the disputed domain name to exploit the Complainant's established reputation.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts long-established use of the CGI mark, which has attained widespread recognition. Redaction of the Respondent's true identity through privacy measures suggests an intent to obscure activities, indicating a lack of legitimate interest. Furthermore, no authorization or license

has been granted for registration of the disputed domain name <cgi-cz.com>. Consequently, the Respondent holds neither rights nor legitimate interests in the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that the disputed domain name is linked to fraudulent activities, including the use of an email address associated with the disputed domain name to make unauthorized purchases on behalf of the Complainant, impersonating a Complainant employee. The Complainant further contends that the Respondent, being aware of the Complainant's CGI mark, registered the disputed domain name to exploit the reputation of the Complainant's CGI mark. The use of a domain privacy service to conceal the Respondent's identity is evidence of bad faith. The Complainant asserts that the disputed domain name creates confusion and is being used for commercial gain, thereby tarnishing the Complainant's goodwill and reputation.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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 by the Respondent 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 the CGI 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 a hyphen and the other term "cz", recognized as an abbreviation for Czech Republic, 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.

Furthermore, it is well accepted practice by UDRP panels that a generic Top-Level Domain (“gTLD”), such as “.com”, is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take into consideration the gTLD “.com” when assessing confusing similarity of the disputed domain name.

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.

According to the Complainant, it appears that the Respondent is not affiliated or connected with the Complainant in any manner, nor has the Complainant granted the Respondent any license or authorization to use or register a domain name incorporating the Complainant’s CGI marks. The Respondent has also failed to respond to the Complaint, thereby failing to provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name. Furthermore, there is no evidence indicating that the Respondent has engaged in any legitimate or bona fide use of the disputed domain name, either for commercial or noncommercial purposes, as the disputed domain name, at the time the Complaint was filed, resolves to an inactive webpage. Instead, the Complainant has presented evidence linking the disputed domain name to a fraudulent scheme, which would support a determination that the Respondent has no legitimate rights or interests in the disputed domain name.

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 observes that the Respondent’s disputed domain name consists of a combination of the CGI mark, a hyphen, the additional element “cz” and the gTLD “.com”. The inclusion of “cz”, an abbreviation for the Czech Republic, functions as a descriptive reference to one of the Complainant’s business territories. The registration of the disputed domain name, which incorporates the Complainant’s CGI mark, indicates the Respondent’s awareness of the Complainant and its CGI marks. Regarding bad faith at the time of registration, the Panel finds that the Respondent was aware of the Complainant’s rights in the CGI marks when the disputed domain name was registered. The disputed domain name was designed to create a misleading association with the Complainant and its activities, with the Complainant’s mark

predating the registration of the disputed domain name by approximately 24 years. Consequently, the Panel concludes that the disputed domain name was registered in bad faith.

The Panel further notes that the disputed domain name has been used in a way that aims to create confusion and exploit the Complainant's reputation for fraudulent purposes. This use, which includes the impersonation of the Complainant's employee to facilitate unauthorized transactions, provides strong evidence of bad faith. The intentional attempt to deceive Internet users and damage the Complainant's goodwill strengthens the conclusion that the Respondent registered and used the disputed domain name with the purpose of gaining an unfair advantage by misleadingly associating it with the Complainant's reputation and CGI marks. These actions have the potential to disrupt the Complainant's operations, harm its reputation, and fulfill the criteria for bad faith use as outlined in paragraph 4(b) of the Policy.

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 <cgi-cz.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: February 3, 2025