

ADMINISTRATIVE PANEL DECISION

Regie Autonome des Transports Parisiens (RATP) v. Domain Privacy,
Domain Name Privacy Inc.

Case No. D2025-0237

1. The Parties

Complainant is Regie Autonome des Transports Parisiens (RATP), France, represented by Nameshield, France.

Respondent is Domain Privacy, Domain Name Privacy Inc, Cyprus.

2. The Domain Names and Registrar

The disputed domain names <ratp.live> (“disputed domain name No. 1”) and <ratp.store> (“disputed domain name No. 2”) (together “disputed domain names”) are registered with CommuniGal Communication Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 23, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the available contact information for the named Respondent (REDACTED FOR PRIVACY, Domain Name Privacy Inc.) in the Complaint. The Center sent an email communication to Complainant on January 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 27, 2025.

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 Respondent of the Complaint, and the proceedings commenced on January 28, 2025. In accordance with the Rules, paragraph 5, the due

date for Response was February 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 18, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on February 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

Complainant is a company organized under the laws of France that is active in the public transport industry.

Complainant has provided evidence that it is the owner of various registered trademarks relating to its company name and brand RATP, including, but not limited to, the following:

- word trademark RATP, European Union Intellectual Property Office ("EUIPO"), registration number: 008945966, registration date: January 31, 2011, status: active;
- word/design trademark RATP, EUIPO, registration number: 018081115, registration date: September 27, 2019, status: active.

Moreover, Complainant has demonstrated to own various domain names relating to its RATP trademark, including since 1994 the domain name <ratp.fr> as well as since 1999 the domain name <ratp.com>, the first of which resolves to Complainant's main website at "www.ratp.fr", used to promote Complainant's services in the public transport industry in English and French language.

Respondent, according to the Registrar Verification, is located in Cyprus. The disputed domain name No. 1 was registered on October 4, 2024, while the disputed domain name No. 2 was registered on January 4, 2025. By the time of the rendering of this Decision, both disputed domain names resolve to websites which, according to virus detection software, are illegally infected and should not be visited. Complainant, however, has demonstrated that at some point before the filing of the Complaint, both disputed domain names redirected to a website where they were offered for online sale at USD 1,388 and USD 2,888, respectively.

Complainant requests that the disputed domain names be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends to be the world's third-largest urban transport operator with businesses in 15 countries and that its RATP trademark, therefore, is well-established and highly distinctive.

Complainant submits that the disputed domain names are identical to Complainant's RATP trademark, as the latter is included therein in its entirety, without any addition. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain names since (1) Respondent, according to the Whois database for the disputed domain names, is not identified thereunder, (2) Respondent is neither related with Complainant in any way nor has it been granted a license or other authorization to make use of Complainant's RATP trademark, or to apply for registration of the disputed domain names, and (3) the disputed domain names are offered for online sale. Finally, Complainant argues that Respondent has registered and is using the disputed domain names in bad faith since (1) given the distinctiveness of Complainant's RATP trademark and reputation, it is reasonable to infer that Respondent has registered the disputed domain names with full knowledge thereof, and (2) against this background, it is

evident that Respondent has registered the disputed domain names only in order to sell them back for out-of-pocket costs to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names have been registered and are being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's RATP trademark and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of its RATP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Also, the entirety of such trademark is reproduced within both disputed domain names, without any additions or alterations whatsoever, and with the applicable Top-Level Domain ("TLD") viewed by UDRP panels as a standard registration requirement and is as such being disregarded under the first element confusing similarity test ([WIPO Overview 3.0](#), section 1.11.1). Accordingly, the disputed domain names are identical to Complainant's RATP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Respondent has not been authorized to use Complainant's RATP trademark, either as a domain name or in any other way. Also, there is no evidence to consider that Respondent's name would somehow correspond with the disputed domain names and Respondent does not appear to have any trademark rights associated with the term "ratp", which is the acronym of Complainant's company name "Regie Autonome des Transports Parisiens", on its own. Finally, Respondent so far obviously has neither used the disputed domain names for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose, but rather to offer them on the Internet for sale with prices in the range of USD 1,388 up to USD 2,888. UDRP panels have recognized that holding a domain name for resale can be bona fide and is not per se illegitimate under the UDRP (see [WIPO Overview 3.0](#), section 2.1), but have also found that the mere registration of a domain name corresponding to an acronym does not by itself automatically confer rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.10.2). Moreover, the Panel notes that Complainant owns the domain name <ratp.com>, and operates at the domain name <ratp.fr>, which makes the disputed domain names identical to the Second Level Domain of Complainant's domain names. Finally, given that both disputed domain names incorporate the undisputedly well-established and reputed RATP trademark in its entirety, the disputed domain names carry, as such, a high risk of implied affiliation with Complainant and its RATP trademark (see [WIPO Overview 3.0](#), section 2.5.1) which is why the Panel finds in the present case, on the balance of probabilities, that by offering them for online sale Respondent has intended to capitalize on the reputation and goodwill inherent in Complainant's RATP trademark which may not confer rights or legitimate interests in the disputed domain names..

The Panel, therefore, finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Third, 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. 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.

In the present case, the Panel first notes that Complainant's RATP trademark, which is the acronym of Complainant's company name "Regie Autonome des Transports Parisiens", is undisputedly well-established and reputed; in fact, an independent Google search undertaken by this Panel within its limited powers set forth by paragraph 10 of the Rules for the term "ratp" has revealed that far more than the top 10 search results exclusively point to Complainant. Furthermore, when searching Complainant's RATP trademark with the term "live" (corresponding to the gTLD of the disputed domain name No. 1), the Panel gets traffic information related to Complainant's services, and when searching for Complainant's RATP trademark together with the term "store" (corresponding to the gTLD of the disputed domain name No. 2), the Panel gets results with a line of products launched by Complainant bearing the RATP trademark. Against this background, it is reasonable to argue that Respondent was more likely than not aware of Complainant and its rights in the RATP trademark when registering the disputed domain names and that the latter are directed thereto. The disputed domain names were not, therefore, registered due to any acronym meaning but in order to trade off Complainant's RATP trademark rights.

Second, the Panel notes the reputation of Complainant's RATP trademark in the transportation field and its online presence, which together with the fact that the disputed domain names have been offered on the Internet for online sale for at least USD 1,388 up to USD 2,888 leads the Panel to conclude that Respondent registered the disputed domain names primarily for the purpose of selling them, presumably knowing

Complainant could be a likely buyer, in excess of Respondent's documented out-of-pocket costs directly related to the disputed domain names. Such circumstances are evidence of registration and use of the disputed domain names in bad faith within the meaning of paragraph 4(b)(i) of the Policy.

In this context, the Panel has also taken into account that, under the given circumstances of this case, there is no apparent reason as to why Respondent should have relied exactly on the term "ratp" in order to set up the disputed domain names if not to somehow unduly profit from and so take unfair advantage of the reputation undisputedly connected to Complainant's RATP trademark, which, in turn, must be considered bad faith in the broader sense of the meaning of paragraph 4 of the Policy. But even if the Panel considered that the disputed domain names contain a short combination of letters, the Panel notes that RATP not only is Complainant's trademark but also is the acronym of Complainant's company name "Regie Autonome des Transports Parisiens", and considering Complainant's reputation and online presence, it is more likely than not that Respondent was aware of the value of the disputed domain names due to their potential connection with Complainant.

Finally, UDRP panels have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Here, by the time of the rendering of this Decision, both disputed domain names resolve to websites which, according to virus detection software, are illegally infected and should not be visited – a fact which rounds up the Panel's finding that Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel, therefore, holds that 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 names, <ratp.live> and <ratp.store>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: March 6, 2025