

## ADMINISTRATIVE PANEL DECISION

ALSTOM v. Name Redacted

Case No. D2025-0397

### 1. The Parties

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

The Respondent is Name Redacted.<sup>1</sup>

### 2. The Domain Name and Registrar

The disputed domain name <alstomaustralia.com> is registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on February 4, 2025, 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 February 5, 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”).

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<sup>1</sup>The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent did not submit any response before that date (but see Section 5.B. below). Accordingly, the Center notified the Respondent's default on February 27, 2025.

The Center appointed Gareth Dickson as the sole panelist in this matter on March 6, 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.

The Respondent sent an email to the Center on March 25, 2025.

#### **4. Factual Background**

The Complainant is a large international business, incorporated in France in 1928 and focused on power generation, power transmission, and rail infrastructure. It employs around 80,000 people and has a presence in more than 60 countries, including Australia.

The Complainant operates under the ALSTOM trade mark (the "Mark") and is the proprietor of a large number of registrations for the Mark around the world, including Australian trade mark registration numbers:

- 777017, registered on October 28, 1998; and
- 814613, registered on November 19, 1999.

It is also the registrant of a number of domain names with generic Top-Level Domain ("gTLD") or country-code Top-Level Domain ("ccTLD") suffixes incorporating the Mark, including <alstom.com>, registered in January 1998, and <alstom.au>, the ccTLD for Australia, registered in September 2024.

The disputed domain name was registered on December 20, 2024. The Respondent essentially adopts the name of the Complainant and uses a personal name which matches the name of an employee of the Complainant appearing on LinkedIn. The webpage to which the disputed domain name directs Internet users is a holding page.

#### **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 is confusingly similar to the Mark since it reproduces the Mark in its entirety and includes the descriptive geographical name "australia". It asserts that the Respondent is not affiliated with the Complainant or any of its group companies, and that the Respondent is not authorized, licensed, or permitted to register or use the disputed domain name. It notes that the Respondent failed to explain its registration of the disputed domain name to the Complainant and has not applied for any trade mark registrations related to the Mark. Finally, it argues that the registration and use of the disputed domain name are in bad faith due to, inter alia, the facts that the Mark is a well known mark and predates the registration of the disputed domain name; that the disputed domain name is not being used in relation to a bona fide offering of goods and services; and the corporate name and personal name used by the Respondent on the WhoIs both appear to be false (and indeed, in both instances, to impersonate third parties).

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. However, an email was received by the Center on March 25, 2025, in which the Respondent simply stated (missing punctuation as per the original):

"Dear Sir/Madam

I have returned to Scotland and no longer wish to maintain this domain

Best regards

[...]"

## **6. Discussion and Findings**

### **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 trade mark 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 trade mark 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, "australia"), 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, and in particular the Complainant's clear assertions that it has not authorised or licensed the Respondent to use the Mark in a domain name or otherwise, 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.

### **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.

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 notes that the Respondent has sought to impersonate the Complainant by using the name of the Complainant as a corporate identifier on the WhoIs, without any legitimate or reasonable basis to do so. Similarly, the Respondent appears to have contrived to adopt a personal name solely because of its identity to the name of one of the Complainant's employees. These facts tend to confirm that the Respondent's entire enterprise relating to the registration and use of the disputed domain name is in bad faith.

Panels have also found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Mark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Respondent's belated message to the Center is so devoid of relevant detail that it does not in itself add anything of value to the Panel's assessment of this or any other element of the Policy, although it does appear to demonstrate the Respondent's apparent inability to justify the registration or use of the disputed domain name.

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 <alstomaustralia.com> be transferred to the Complainant.

*/Gareth Dickson/*

**Gareth Dickson**

Sole Panelist

Date: March 28, 2025