

ADMINISTRATIVE PANEL DECISION

Alstom v. arshi agro
Case No. D2025-0529

1. The Parties

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

The Respondent is arshi agro, India.

2. The Domain Name and Registrar

The disputed domain name <alstominfo.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 February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 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 18, 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 the Respondent of the Complaint, and the proceedings commenced on February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 13, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on March 19, 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 is active, *inter alia*, in the area of power generation, power transmission and rail infrastructure. The Complainant employs 84,000 professionals in more than 60 countries.

The Complainant is the owner of a number of trademark registrations for ALSTOM in various countries, including the following:

- Indian Trademark Registration No. 819279 for ALSTOM, registered on September 15, 1998;
- European Union Trademark Registration No. 948729 for ALSTOM, registered on August 8, 2001;
- International Registration No. 706292 for ALSTOM, registered on August 28, 1998.

Furthermore, the Complainant is the owner of a number of domain name registrations containing the ALSTOM trademark, such as <alstom.com> registered on January 20, 1998, <alstom.info>, registered on July 31, 2001, and <alstomgroup.com>, registered on November 14, 2000.

The disputed domain name is registered on January 18, 2025 and, based on undisputed evidence provided by the Complainant, it used to direct to a webpage related to an entity called "ALSTOM INFO" containing the slogan "Transforming Transportation Solutions" in front of the photo of a container. After the Complainant has sent a trademark claim to the Registrar on January 27, 2025, the disputed domain name discontinued to direct to above-indicated webpage and started resolving to 404 error page. At the time of this decision, the disputed domain name still resolves to 404 error 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 Complainant's ALSTOM trademark that has been recognized as well-known by certain number of previous panels. The Complainant's trademark is clearly recognizable within the disputed domain name and addition of word "info" may lead Internet users to believe that the litigious website connected to the disputed domain name displays official information about the Complainant.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that no license or authorization of any other kind, has been given by the Complainant to the Respondent to use its ALSTOM trademark. The Respondent did not apply for or obtained any trademark registrations related to the signs ALSTOM or ALSTOM INFO and also should not be regarded as commonly known by the disputed domain name. The Respondent's use of the disputed domain name is made in violation of the Complainant's rights, as the disputed domain name initially directed to a webpage reproducing the ALSTOM trademark without the Complainant's authorization, together with the slogan "Transforming Transportation Solutions", i.e., related to the sector in which the Complainant is well-known.

With reference to the circumstances evidencing bad faith, the Complainant indicates that its ALSTOM trademark is well-known and that 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 concealed its identity which additionally proves bad faith. Furthermore, once the true identity of the Respondent was revealed, it turned out that the Respondent's address is non-existing, while its name is also doubtful as it is highly similar to Indian company "ARSHI AGRO AND GENERAL MARKETING PRIVATE LIMITED" located

in Chennai, in India, but at a different address than the one provided by the Respondent. This company has no link with the Complainant, and their activities are totally different. Finally, the Complainant contends that the disputed domain name directed to a single webpage reproducing the trademark ALSTOM, without the Complainant's authorization, and promoting services in relation to transportation (sector in which the Complainant is well-known) and thus, the Respondent tried to take advantage of the reputation of the ALSTOM trademark to attract web users.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "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."

Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of 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 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.

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "info") 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.

In addition, it is well established that the generic Top-Level Domain ("gTLD") ".com" can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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.

The Panel notes that there seems to be no relationship between the Respondent and the Complainant, and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s ALSTOM trademark. The Respondent also does not appear to be commonly known by the disputed domain name. Furthermore, the contact data provided by the Respondent is highly doubtful since, at least, its address appears to be non-existing, while the name of the Respondent is also questionable.

Based on the undisputed evidence provided by the Complainant, the Respondent has used the disputed domain name for a website that prominently displays title “Alstom info” and contains the slogan “Transforming Transportation Solutions” in front of the photo of a container. Having in mind the nature of the Complainant’s business and that such website would immediately make a connection with the Complainant in the minds of Internet users, the Panel holds that such use of the disputed domain name cannot be considered as *bona fide* offering of goods and services.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant’s ALSTOM trademark in its entirety in combination with term “info”, carries a risk of implied affiliation, especially having in mind the distinctiveness and reputation of the Complainant’s ALSTOM trademark. [WIPO Overview 3.0](#), section 2.5.1

Having in mind the above, 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.

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 must have been well-aware of the Complainant and its ALSTOM trademark at the time of the registration of the disputed domain name. The content of the website to which the disputed domain name used to direct, indicates the Respondent’s knowledge of the Complainant and its ALSTOM trademark, and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name. It should be also borne in mind that the registration and use of ALSTOM trademark predates the registration of the disputed domain name by decades, making it unlikely that the Respondent was not aware of the Complainant’s trademark at the time of registration of the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As previously indicated, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for a website that prominently displays title “Alstom info” and contains the slogan “Transforming Transportation Solutions” in front of the photo of a container. Since the Panel deems that such website would make an immediate connection with the Complainant in the minds of Internet users (due to the Complainant’s field of business), the Panel holds that such use of the disputed domain name cannot be considered as use in good faith, and constitutes bad faith under the paragraph 4(b)(iv) of the Policy.

While the disputed domain name no longer resolves to an active website, such passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand.

[WIPO Overview 3.0](#), section 3.3.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <alstominfo.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: April 4, 2025