

ADMINISTRATIVE PANEL DECISION

Dassault Falcon Jet Corp. and Dassault Aviation v. mark mark
Case No. D2025-0660

1. The Parties

1.1 The Complainants are Dassault Falcon Jet Corp., United States of America (the “United States” or “USA”) and Dassault Aviation, France, represented by Cabinet Regimbeau, France (collectively referred to as “the Complainant”).

1.2 The Respondent is mark mark, United States.

2. The Domain Name and Registrar

2.1 The disputed domain name <dassaultfalconcareers.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2025. On February 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 19, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 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 20, 2025.

3.2 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”).

3.3 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 18, 2025.

3.4 The Center appointed Ike Ehiribe as the sole panelist in this matter on March 25, 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

4.1 The first Complainant Dassault Falcon Jet Corp. is the United States subsidiary of the second Complainant dedicated to the sales and support for Falcon business jets in the Americas with approximately 2,300 employees. The second Complainant Dassault Aviation is described as a leading player in the global aviation industry operating in both civil and military sectors, with sales of EUR 4.8 billion in 2023 and nearly 12,400 employees worldwide including in France and the USA. The Complainants are also collectively described as world leaders in the aviation industry with establishments in over 90 countries across the world and together have over 13,000 employees globally and normally recruit through online processes such as by email or dedicated websites or web pages, such as “www.dassaultfalcon.com/careers/”.

4.2 The Complainant is the owner of numerous trademarks registered worldwide composed in whole or in part, of either DASSAULT or FALCON, or DASSAULT FALCON together. Attached to the Complaint are two Annexes, Annex 3.1 and 3.2, reflecting the numerous trademark registrations for DASSAULT AVIATION and DASSAULT FALCON JET owned by the Complainant, including registrations for: International Registration number 847557 for DASSAULT FALCON, registered on February 24, 2005 and United States registration number 3014354 for DASSAULT FALCON, registered on November 15, 2005. Furthermore, it is said that the Complainant owns numerous domain names composed of the marks DASSAULT FALCON together or either DASSAULT or FALCON as is also shown in Annexes 4.1 and 4.2 to the Complaint.

4.3 The Respondent in these proceedings, according to the information disclosed by the Registrar, is mark who is recorded as based the United States. The Disputed Domain Name was registered on October 4, 2024 and used for sending fraudulent emails purportedly offering fake job opportunities with the Complainant.

5. Parties' Contentions

A. Complainant

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

5.2 Notably, the Complainant contends that it owns several trademark registrations for FALCON and DASSAULT FALCON marks in numerous jurisdictions. In particular, the Disputed Domain Name identically reproduces the Complainant's prior rights on the sequence “DASSAULT FALCON” followed by the word “careers”. It is stated that the sequence DASSAULT FALCON is distinctive and well known to consumers across the world due to the Complainant's long-standing reputation.

5.3 It is therefore submitted that there is a likelihood of confusion between the Disputed Domain Name and the Complainant's trademarks such that the Respondent may lure current employees or prospective employees and/or customers to believe that any website hosted under the Disputed Domain Name is an official website owned by or associated with the Complainant. The Complainant therefore contends that the Panel must make a finding of confusing similarity in this case following *Columbia Insurance Company v. Pampered Gourmet*, WIPO Case No. [D2004-0649](#) and *Medco Health Solutions, Inc. v. Whols Privacy Protection Service, Inc.*, WIPO Case No. [D2004-0453](#).

5.4 In addition it is submitted that the “.com” generic Top-Level Domain is not normally taken into consideration when conducting a confusing similarity test, following *Spie Batignolles v. Contact Privacy Inc. Customer 1247608742/Patrick Zulan, Contact Privacy Inc. Customer 1247608605/Patrick Zulan, Contact Privacy Inc., Customer 1247610341/ Patrick Zulan*), WIPO Case No. [D2020-2044](#).

5.5 The Complainant contends further that the Respondent lacks rights or legitimate interests in the Disputed Domain Name following paragraph 4 (a)(ii) of the Policy in that the Respondent has no connection with the Complainant in any way whatsoever. The Respondent is not an authorised dealer, distributor nor licensee of the Complainant and has not been permitted by the Complainant to make any use of its trademarks. It is also submitted that the Respondent is not commonly known by the DASSAULT or FALCON trademarks whether as an individual, as a company or as another organisation.

5.6 Turning to the question of bad faith, the Complainant contends that the Respondent knew or ought to have known of the Complainant's worldwide reputation and extensive presence on the Internet considering that the Respondent only elected to create the Disputed Domain Name on October 4, 2024. This is even more the case as a simple Google search on the Internet would have revealed the online presence and reputation of the Complainant and the DASSAULT and FALCON trademarks in the aviation industry. It is further submitted that the Disputed Domain Name not only reproduces one, but two of the Complainant's most well-known trademarks namely DASSAULT and FALCON, thus it is argued that the Respondent's use and registration of the Disputed Domain Name could not have been by chance but must have been an informed choice made by the Respondent which in addition confirms the Respondent's actual knowledge of the Complainant's reputation and prior rights in the DASSAULT and FALCON trademarks.

5.7 Thirdly, it is submitted that the Disputed Domain Name is being used in bad faith as the Respondent has sent emails from an email address linked to the Disputed Domain Name to contact individuals and present as the first Complainant's human resources manager. Further, in this regard, it is said that on at least one occasion the Respondent requested personal information from a contacted individual such as their full names, home address and phone number by using the Disputed Domain Name to create the impression that the Disputed Domain Name is affiliated to the Complainant and that the Complainant is seeking to hire new staff. Thus, it is submitted that by using the Disputed Domain Name to fraudulently obtain personal information of individuals, which in itself also constitutes phishing, such conduct is tantamount to clear evidence of bad faith use following *BHP Billion Innovation Property Limited v. Domains By Proxy LLC/ Douglass Johnson*, WIPO Case No. [D2016-0364](#).

B. Respondent

5.8 The Respondent did not reply to the Complainant's contentions and therefore the Panel shall draw such adverse inferences from the Respondent's failure to respond as may be deemed appropriate.

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 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.

6.2 The Complainant has shown rights in respect of several trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

6.3 The entirety of the marks DASSAULT and FALCON are reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

6.4 Although the addition of other terms such as the term “careers” 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 marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

B. Rights or Legitimate Interests

6.6 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.

6.7 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.

6.8 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.

6.9 Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

6.11 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.

6.12 In the present case, the Panel notes that the Respondent registered the Disputed Domain Name on October 4, 2024, which well postdates the registration of the Complainant’s numerous trademarks, including in the United States. Accordingly, and noting especially the use to which the Disputed Domain Name has been put, the Panel finds and holds that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant and intentionally set out to exploit the reputation of the Complainant’s trademarks.

6.13 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.

6.14 Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation/passing off, or other types of fraud as has occurred in this case, constitutes bad faith.

[WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

6.15 The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

7.1 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 <dassaultfalconcareers.com> be transferred to the Complainants.

/Ike Ehiribe/

Ike Ehiribe

Sole Panelist

Date: April 8, 2025