

## **ADMINISTRATIVE PANEL DECISION**

Odalys Groupe, SAS v. Anton Aton  
Case No. D2025-0767

### **1. The Parties**

The Complainant is Odalys Groupe, SAS, France, represented by SELARL AVOXA RENNES, France.

The Respondent is Anton Aton, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <odalys-gestion.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 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 March 3, 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 March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2025.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on March 28, 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**

Based in France, the Complainant offers tourist accommodation to over 2 million tourists annually in 400 residences in Western Europe.

The Complainant owns various ODALYS trademarks, including European Union trademark No. 018198377 ODALYS INVEST, registered on July 1, 2020, and French trademark No. 4593323 ODALYS, registered on February 14, 2020.

The disputed domain name was registered on August 22, 2024. The website associated with the disputed domain name resolves to a parking page presenting links to competitors offering services similar to those of the Complainant. The disputed domain name has also been used for sending fraudulent email communications by impersonating one of the Complainant's employees.

#### **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.

##### **B. Respondent**

The Respondent has not submitted any reply to the Complainant's contentions.

#### **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 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 Complainant's trademark 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 the term "-gestion", the French word for "management") 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 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 that 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 finds that the composition of the disputed domain name incorporating the Complainant’s trademark, coupled with the use of the disputed domain name to resolve to a parking page presenting links to competitors offering services similar to those of the Complainant and the use of the disputed domain name for sending fraudulent email communications by impersonating one of the Complainant’s employees, does not amount to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

Moreover, panels have held that the use of a domain name for illegal activity, here, phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

## **C. Registered and Used in Bad Faith**

Under the circumstances of this case, including the composition of the disputed domain name incorporating the Complainant’s trademark together with the term “-gestion”, and the use of the disputed domain name for sending fraudulent email communications by impersonating one of the Complainant’s employees, it can be inferred that the Respondent was aware of the Complainant’s mark when registering the disputed domain name.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, 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.

Having reviewed the available record, and under the circumstances of this case, the Panel finds that the use of the disputed domain name for a parking page as described above and for conducting a fraudulent email scheme supports a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegal activity, here, phishing, 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.

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 <odalys-gestion.com> be transferred to the Complainant.

*/Tobias Zuberbühler/*

**Tobias Zuberbühler**

Sole Panelist

Date: April 8, 2025