

## **ADMINISTRATIVE PANEL DECISION**

Engie v. Nette, Nanci  
Case No. D2025-1037

### **1. The Parties**

The Complainant is Engie, France, represented by BrandShelter, France.

The Respondent is Nette, Nanci, United States of America.

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

The disputed domain name <engierassembleursdenergies.com> is registered with Network Solutions, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 13, 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 verified that the 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 7, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on April 9, 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 industrial energy group partly owned by the French State. The Complainant owns registrations for the trademark ENGIE worldwide such as the following:

1. International Trademark Registration No. 1282374, registered on December 19, 2016;
2. French Trademark Registration No. 4210196, registered on January 8, 2016;
3. European Trademark Registration No. 014337133, registered on February 20, 2016.

The Complainant is the owner of the domain name <engie.com> since 2003.

The disputed domain name was registered on June 21, 2019, and resolves to a website with Pay-Per-Click ("PPC") links.

#### **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 a trademark or service mark in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark followed by the words "rassembleurs dennergies", which is the name of the investment fund of the Complainant. The Complainant's trademark constitutes the dominant and distinctive part. The generic terms "rassembleurs dennergies" refer to the Complainant's activities.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no rights in the trademark ENGIE. Internet search reveals the Complainant's trademarks and activities. The Respondent must have been aware of the Complainant and its trademark. The communication addressed to the Respondent requesting information on its right over the disputed domain name remained unanswered. ENGIE is not a generic term. The disputed domain name redirects randomly to different websites as a parking page with commercial links referring to the Complainant's activities in addition to an alert message of supposed infection to users' computers in order to collect data. The disputed domain name is proposed for sale. Such use does not constitute a legitimate noncommercial or fair use of the domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark is a fanciful term. An online search would have shown the Complainant's prior rights. The use of the Complainant's trademark predates the registration of the disputed domain name. Given the prior use and the reputation of the Complainant's trademark, the Respondent must have been aware of the Complainant's trademark. The disputed domain name redirects to different websites in order to generate traffic. The Respondent did not respond to the Complainant. The Complainant's trademark is well known. The disputed domain name is offered for sale at a price far in excess of the personal expenses related to the disputed domain name. It is the Respondent's common practice to select domain names incorporating others' famous trademarks.

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

The Respondent did not 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 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, "rassembleurs" "dennergies" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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, 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 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.

In the present case, the Panel notes that the disputed domain name incorporates the Complainant's registered trademark in its entirety together with the words "rassembleurs" "dennergies", which is the investment fund of the Complainant (Rassembleurs d'Energies) and the disputed domain name was created after the registration of the Complainant's trademark. Also, the PPC links relate to activities similar to those of the Complainant. Therefore, the Panel finds that the Respondent knew or should have known of the Complainant at the time of registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

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.

The Panel finds that by using the disputed domain name for a parking website with PPC links, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites or other online location by creating a likelihood of confusion with the Complainant's mark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of 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 <engierassembleursdennergies.com> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: April 10, 2025