

ADMINISTRATIVE PANEL DECISION

Haulotte Group v. Tonya Morris
Case No. D2025-2021

1. The Parties

Complainant is Haulotte Group, France, represented by STRATO-IP, France.

Respondent is Tonya Morris, United States of America.

2. The Domain Name and Registrar

The disputed domain name <haulote.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 21, 2025. On May 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 23, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on May 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 26, 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 Respondent of the Complaint, and the proceedings commenced on May 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 17, 2025.

The Center appointed Dinant T. L. Oosterbaan as the sole panelist in this matter on June 23, 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

Complainant is a French company specialized in the manufacture of works machinery and more specifically aerial work platforms. Complainant's history goes back to 1924. Currently Complainant is involved in more than 150 countries and accounts for over 1,900 employees working in five factories and 20 sales and service subsidiaries.

Complainant owns European Union trademark HAULOTTE, registration number 001479377 with registration date May 10, 2001.

Complainant also operates its activity through many domain names reflecting its HAULOTTE trademark, including its main domain name <haulotte.com> registered since November 29, 1997.

The Domain Name was registered on February 20, 2025. The trademark registration of Complainant was issued prior to the registration of the Domain Name.

The Domain Name at the time of the Decision does not resolve to an active website. Previously, according to Complainant, the Domain Name resolved to a parking page displaying commercial links related to Complainant's activity.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that the Domain Name is highly similar to Complainant's trademark whose sequence of letters HAULOTTE is fully reproduced in the Domain Name. The only difference lies in the deletion of the double "t" in the Domain Name.

According to Complainant, Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant has never authorized the registration nor the use of the Domain Name. Respondent is neither affiliated with Complainant in any way, nor has it been granted a license to Complainant's knowledge.

Furthermore, Respondent cannot reasonably have prior rights or legitimate interests in the Domain Name, as the registration of the HAULOTTE trademark preceded the registration of the Domain Name for many years. Respondent also does not use the Domain Name in connection with a bona fide offering of goods or services. Complainant submits that the Domain Name used to direct Internet users to a parking page including links related to Complainant's activity before being disrupted, probably after Complainant contacted the Registrar on March 13, 2025. Unfortunately, Complainant does not have any evidence of this prior content and commercial links do not appear when searching on Wayback machine.

Complainant asserts that Respondent has registered and is using the Domain Name in bad faith. According to Complainant, Respondent is most likely to know Complainant's rights in the trademark HAULOTTE, which is highly distinctive insofar as it does not have any clear and obvious meaning nor does the misspelling term "Haulote" have. Additionally, there is a clear absence of any conceivable good faith use of the Domain Name and of any credible explanation for Respondent's choice of the Domain Name, so similar to the

HAULOTTE trademark. Complainant submits that it has been recognized that the lack of active use of a domain name without any active attempt to sell or to contact the trademark holder does not as such prevent a finding of bad faith use under the Policy.

Finally, Complainant asserts that a mail server has been configured on the Domain Name. Although there is no clear evidence that Respondent has actually sent phishing or fraudulent emails so far, the presence of an email server is a good indicator that the Domain Name is likely to be used to perpetuate phishing schemes and other email scams. This is all the more so likely considering the construction of the Domain Name, which is almost identical to Complainant's official domain name <haulotte.com>.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "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 requires that the complainant prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

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 Panel finds the mark HAULOTTE is recognizable within the Domain Name. The second letter "t" of the trademark is deleted in the Domain Name. A domain name which consists of an obvious or intentional misspelling of a trademark is considered to be confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

The generic Top-Level Domain ("gTLD") ".com" is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

At the time of the decision the Domain Name does not resolve to an active website. The Panel does not consider such non-use a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the Domain Name in this case. Respondent is also not commonly known by the Domain Name, nor has it acquired any trademark or service mark rights compromised by the “Haulote” term.

The Panel notes that due to the lack of evidence, the Panel does not take into account the assertion of Complainant that the Domain Name previously resolved to a parking website with links related to Complainant’s activity.

No Response to the Complaint was filed and Respondent has not rebutted Complainant’s prima facie case.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the Domain Name under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Domain Name has been registered and is being used in bad faith.

Noting the distinctiveness of the HAULOTTE trademark, the disputed domain name is a misspelled version of this trademark, and overall circumstances of this case, the Panel finds it is more likely than not that Respondent knew or should have known of Complainant’s HAULOTTE mark.

The Panel notes that the Domain Name does not resolve to an active website. It is well established that non-use of a domain name does not prevent a finding of bad faith use under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Noting (i) the obvious typosquatting consisting of the deletion of the letter “t” in the Domain Name, (ii) the degree of distinctiveness of Complainant’s mark, (iii) the failure of Respondent to submit a response or to provide any evidence of actual or contemplated bona fide use, and (iv) the implausibility of any bona fide use to which the Domain Name may be put, the Panel finds that non-use of the Domain Name in this case constitutes bad faith.

The Panel also notes that Complainant has alleged that Respondent has configured mail server records for the Domain Name, suggesting an intention to use the Domain Name for illegal purposes. The record in this case contains no evidence of illegal behavior, but the configuration of mail server records presents the potential for an email phishing scheme impersonating Complainant. The use of a domain name that is confusingly similar to a trademark in emails that do not originate with the trademark owner presents a risk to

the reputation of a trademark and its owner. Respondent has not rebutted Complainant's assertions for the possible use of the Domain Name engaged in illegal practice, which is noteworthy given the configuration of mail server records for the Domain Name.

The Panel finds that 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 Domain Name, <haulote.com>, be transferred to Complainant.

/Dinant T. L. Oosterbaan/

Dinant T. L. Oosterbaan

Sole Panelist

Date: July 1, 2025