

ADMINISTRATIVE PANEL DECISION

Avions de Transport Régional GIE v. Carrie Thurman
Case No. D2025-2731

1. The Parties

The Complainant is Avions de Transport Régional GIE, France, represented by DLA Piper Luxembourg, Luxembourg.

The Respondent is Carrie Thurman, United States of America (the “United States”).

2. The Domain Name and Registrar

The disputed domain name <atr-aircrafts.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 (Unknown registrant / Redacted for privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 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 July 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 17, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on August 21, 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 Economic Interest Grouping established in 1981 as a joint venture between Airbus Group and Leonardo S.p.A. The Complainant is one of the leading manufacturers of regional aircraft, particularly in the segment of aircraft with fewer than 90 seats, including the ATR-42 and ATR-72 models. The Complainant operates globally and, to date, has sold more than 1,700 aircraft to over 200 airlines in more than 100 countries.

The Complainant has evidenced to be the registered owner of numerous trademark registrations for ATR, including, but not limited to, the following:

- United States trademark registration No. 2440292, registered on April 3, 2001, for the word mark ATR, in class 12;
- United Kingdom trademark registration No. UK00904956959, registered on May 21, 2008, for the word mark ATR, in classes 12, 16, and 39;
- European Union trademark registration No. 004956959, registered on May 21, 2008, for the word mark ATR, in classes 12, 16, and 39; and
- International Trademark Registration No. 1282453, registered on October 2, 2015, for the figurative mark ATR, designating multiple jurisdictions, in classes 12, 16, and 39.

The Complainant is also the owner of the domain names <atr-aircraft.com> and <atr-aircraft.fr>, both registered on April 8, 2015 and currently active, corresponding to its official website.

The aforementioned trademarks and domain names were registered prior to the disputed domain name which was registered on April 30, 2025. The disputed domain name is inactive.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in the United States.

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 Complaints asserts that the ATR trademark is well-known.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's ATR trademarks, as it reproduces the entirety of the ATR trademark. The addition of an additional letter "s" and the term "aircrafts", which directly relates to the Complainant's core business, does not prevent a finding of confusing similarity and in fact reinforces the association with the Complainant. The Complainant also asserts that the generic Top-Level Domain ("gTLD") ".com" should be disregarded under the first element as it is a standard registration requirement.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name, as (1) the Respondent is not commonly known by the disputed domain name and holds no trademark rights corresponding to it; (2) the Complainant is not affiliated with the Respondent, and has never licensed or otherwise authorized the Respondent to register the disputed domain name; and (3) the disputed domain name is not used in connection with a bona fide offering of goods or services. Instead, the Complainant submits that the Respondent registered the disputed domain name to exploit the reputation of the Complainant's ATR trademarks for commercial gain.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith. In particular: (1) the ATR trademarks predate the registration of the disputed domain name and are well known, and the Respondent knew about the Complainant's trademark; (2) the disputed domain name has not been put to any legitimate use and is instead passively held, which does not prevent a finding of bad faith under the doctrine of passive holding; (3) the Respondent concealed its identity through an anonymity service; and (4) the disputed domain name was registered by the Respondent with a view to gain financial benefit by leveraging the reputation of the Complainant's trademark.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name 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.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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, “aircrafts”, 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 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 Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the ATR trademarks or to seek registration of any domain name incorporating the trademarks. The Respondent is also not known to be associated with the ATR trademarks, and there is no evidence that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

Furthermore, based on the available record, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

The disputed domain name is inactive, and there is no evidence that the Respondent has used it for a bona fide offering of goods or services or for any legitimate noncommercial purpose.

Furthermore, the Panel notes the inclusion in the disputed domain name of the term “aircrafts” commonly associated with the Complainant’s field of activity, and, further, that the disputed domain name is highly similar to the Complainant’s official domain names <atr-aircraft.com> and <atr-aircraft.fr>, and infers, on the balance of probabilities, the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name, which cannot constitute a bona fide offering of goods or services.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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

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 observes that the Complainant's ATR trademarks predate the Respondent's registration of the disputed domain name. Moreover, the Respondent's adoption of a disputed domain name that entirely incorporates the Complainant's trademark, combined with the descriptive term "aircraft" - which directly refers to the Complainant's core business - clearly demonstrates that the Respondent was aware of the Complainant's business and trademark rights at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark in its sector, the composition of the disputed domain name, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

In this context, the Panel also attaches significance to the fact that the Center did not receive any response from the Respondent presenting arguments that could justify the good faith registration and use of the disputed domain name.

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 <atr-aircrafts.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: September 4, 2025