

ADMINISTRATIVE PANEL DECISION

Alstom v. mark spencer
Case No. D2026-3616

1. The Parties

The Complainant is Alstom, France, represented by Lynde & Associates, France.

The Respondent is mark spencer, United States of America.

2. The Domain Name and Registrar

The disputed domain name <alstomhires.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 August 13, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 2026, 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 and contact information in the Complaint (Privacy User #ff895323, See PrivacyGuardian.org). The Center sent an email communication to the Complainant on August 27, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint on August 31, 2026.

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 September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 28, 2026.

The Center appointed Syed Naqiz Shahabuddin as the sole panelist in this matter on October 1, 2026. 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 following summary sets out the uncontested factual submission made by the Complainant:

4.1 The Complainant is a French company established in 1928 and is one of the global leaders in power generation, power transmission and rail infrastructure.

4.2 The Complainant employs approximately 36,000 professionals in more than 60 countries and develops and markets a complete range of systems, equipment, and services in the railway industry.

4.3 The Complainant and its group of companies operate worldwide and have participated in numerous major projects.

4.4 The Complainant conducts its trade and business using the trademark ALSTOM (the “Trademark”) and owns numerous registrations for the Trademark and variations thereof worldwide. The table below represents some of the Trademark registrations owned by the Complainant (whether on its own or through its group of companies):

Jurisdiction	Registration Number	Date of Registration	Class of Goods / Services
United States of America	2898433	November 2, 2004	35, 37, 42
France	98727762	October 9, 1998	6, 7, 9, 11, 12, 16, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42
European Union	000948729	August 8, 2001	6, 7, 9, 11, 12, 16, 19, 24, 35, 36, 37, 38, 39, 40, 41, 42

4.5 The Complainant, whether on its own or through its group of companies, also own numerous domain names incorporating the Trademark, including <alstom.com>, which was registered on January 20, 1998, <alstom.net>, which was registered on April 1, 2000 and <alstom.info> which was registered on July 31, 2001. These domain names resolve to the Complainant’s website.

4.6 The disputed domain name was registered on July 30, 2026, and at the time the Complaint was filed, resolved to a parking page.

4.7 The Complainant, through its representative, had on August 4, 2026, issued a demand or claim to the Respondent via the Whois contact form asserting the Complainant’s rights to the Trademark and requesting for the details of the registrant and transfer of the disputed domain name. The Complainant did not receive a satisfactory response from the Respondent.

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, inter alia, as follows:

5.1 The Complainant asserts that the disputed domain name is confusingly similar to the Trademark for the following reasons:

- (a) The disputed domain name which combines the Trademark in its entirety and the descriptive word “hires” does not prevent a finding that the disputed domain name is confusingly similar to the Trademark.
- (b) The word “hires” merely creates the false impression that the disputed domain name redirects an Internet user to the Complainant’s career page for those seeking employment opportunities.
- (c) The Trademark is a famous and/or well-known trademark and hence, Internet users will recognise the Trademark within the disputed domain name and will form the false belief that the disputed domain name belongs to the Complainant or its group of companies.
- (d) The addition of the generic Top-Level Domain (“gTLD”) “.com” should not be taken into consideration when examining the identity or similarity.

5.2 The Complainant further contends that the Respondent does not have any rights or legitimate interests in the disputed domain name because:

- (a) The Respondent is not commonly known by the disputed domain name nor has the Respondent applied for or obtained any trademark comprising the Trademark.
- (b) The Respondent is not affiliated with, and has not been authorized, licensed or permitted to register or to use a domain name that incorporates the Trademark.

5.3 The Complainant further contends that the Respondent registered and uses the disputed domain name in bad faith and relies on the following:

- (a) The Complainant had used the Trademark extensively worldwide well before the disputed domain name was registered.
- (b) By virtue of long and widespread use, the Trademark is well-known worldwide and it is impossible that the Respondent was not aware of the Complainant and its activities, when it sought to register the disputed domain name.
- (c) In the circumstances, the Respondent must have been aware of the Complainant’s prior rights in the Trademark and its extensive use when registering the disputed domain name.
- (d) The disputed domain name resolves to a parking page. The Complainant contends that the Respondent has shown no bona fide activity in relation to it and that no plausible actual or contemplated active use by the Respondent would be legitimate, including use involving passing off or infringement of the Complainant’s trademark rights.

B. Respondent

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

6. Discussion and Findings

In order to succeed in its Complaint, the Complainant is required to establish the following elements set out under paragraph 4(a) of the Policy:

- (a) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (b) that the Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (c) that the disputed domain name has been registered and is being used in bad faith.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Panel is satisfied with the evidence adduced by the Complainant of various registrations of the Trademark.

Although the addition of other term here, "hires", may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. The gTLD is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

The Panel, therefore, finds that the entirety of the Trademark is recognizable within the disputed domain name.

Accordingly, the disputed domain name is confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 3.1](#), 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 notes that the Complainant has neither authorized nor licensed the Respondent to use the Trademark or to register any domain name incorporating the Trademark. There is also no evidence before the Panel that the Respondent is commonly known by the disputed domain name or has acquired any trademark or other rights corresponding to it.

Furthermore, the disputed domain name incorporates the Trademark in a manner that gives rise to a risk of implied affiliation with the Complainant. As noted in section 2.5.1 of the [WIPO Overview 3.1](#), a domain name consisting of, or closely, resembling, a complainant's trademark with an additional term suggesting a complainant's endorsement, carries a risk of implied affiliation and cannot ordinarily constitute fair use.

The Panel further notes that the disputed domain name resolves to a parked webpage and that there is no evidence of any bona fide offering of goods or services or any legitimate non-commercial or fair use of the disputed domain name.

In the absence of any evidence to the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name,

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.

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 3.1](#), section 3.2.1.

Paragraph 4(b)(iv) of the Policy provides that where a respondent intentionally attempts to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location, then this would justify a finding of bad faith.

In assessing bad faith, the Panel considers the Trademark's substantial reputation and goodwill, together with the following factors:

- (a) the disputed domain name was registered long after the Complainant had acquired trademark rights and substantial goodwill and reputation.
- (b) the disputed domain name was also registered long after the Complainant had established an online presence through its domain name <alstom.com>.
- (c) the disputed domain name reproduces the Trademark followed by the word "hires", indicative of an intention to capitalize on the Complainant's goodwill and reputation and/or to wrongfully exploit the same.
- (d) the silence on the part of the Respondent to respond to the Complainant's Complaint.

These factors strongly suggest that the Respondent had knowledge of the Complainant's Trademark and targeted it when registering the disputed domain name.

The Panel further notes that the disputed domain name resolves to a parked webpage. Nevertheless, the fact that a domain name is not actively used does not, in itself, prevent a finding of bad faith. Under the doctrine of passive holding, the question is whether, in light of all the circumstances of the case, the

respondent's conduct is consistent with any plausible good faith use the disputed domain name could be put at.

In this regard, the Panel has taken into account the reputation and distinctiveness of the Trademark, the incorporation of the Trademark combined with a generic word to form the disputed domain name, the absence of any evidence of rights or legitimate interests on the part of the Respondent and the lack of any credible explanation for the Respondent's registration or use of the disputed domain name. Viewed collectively, these circumstances lead the Panel to conclude that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Accordingly, having reviewed the record as a whole, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) 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 <alstomhires.com> be transferred to the Complainant.

/Syed Naqiz Shahabuddin/

Syed Naqiz Shahabuddin

Sole Panelist

Date: October 3, 2026