

ADMINISTRATIVE PANEL DECISION

Sopra Steria Group v. QINGRU WU

Case No. DCO2023-0100

1. The Parties

The Complainant is Sopra Steria Group, France, represented by Herbert Smith Freehills Paris LLP, France.

The Respondent is QINGRU WU, China.

2. The Domain Name and Registrar

The disputed domain name <soprahr.co> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 27, 2023. On November 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 December 6, 2023, 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 December 11, 2023.

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 December 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 18, 2024.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on January 24, 2024. 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 company established in 2014 upon the merger of two companies founded in 1968 and 1969, respectively. The Complainant's group operates in Asia, Europe and North Africa in the field of consulting and information technology services and software publishing. The Complainant's group include a subsidiary named Sopra HR Software, which provides comprehensive solutions in human resources, adapted to the needs of middle and large size organizations. Incorporated in 2009, Sopra HR Software offers its services to 900 companies in more than 54 countries.

The Complainant owns numerous trademarks consisting of, or incorporating, the word "sopra", among which the following:

- SOPRA (word mark), International registration No. 1163226, registered on April 8, 2013, for goods and services in classes 9, 16, 35, 36, 38, 41 and 42, designating various jurisdictions, including China;
- SOPRA HR SOFTWARE, European Union registration No. 013623806, registered on May 15, 2015, claiming a French priority date of October 13, 2014, for goods and services in classes 9, 16, 35, 36, 38, 41, 42 and 45.

The Complainant is also the owner of various domain names consisting of the term "sopra", including:

- <soprahr.com>, registered on February 20, 2014;
- <sopra.com>, registered on July 3, 1997;
- <sopra.org>, registered on November 29, 1999; and
- <sopra.cn>, registered on December 18, 2012.

The disputed domain name has been registered on July 10, 2023 and resolves to a parked page of the Registrar where the disputed domain name is offered for sale or lease. The Respondent provided an address in China for the registrant's details of the disputed domain name.

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 the Complainant's marks as it includes the SOPRA mark entirely and reproduces the dominant part of the SOPRA HR SOFTWARE mark.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent is unknown to the Complainant. To the best of the Complainant's knowledge, the Respondent is not commonly known by the disputed domain name and does not own any registered mark corresponding to the disputed domain name. Moreover, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor has made any serious preparations to make use of the disputed domain name in this manner. The Respondent is offering for sale the disputed domain name for an amount, which exceeds the Respondent's out-of-pocket costs directly related to the disputed domain name.

Lastly, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant's marks are inherently distinctive and enjoy reputation. The disputed domain name is identical to the Complainant's domain name <soprahr.com>. The Respondent was aware of the Complainant's trademark when it registered the disputed domain name. The Respondent is offering the disputed domain name for USD 1,288, which entails that the Respondent has registered the disputed domain name to gain profit from its sale. Moreover, the Respondent has already engaged in a pattern of bad faith registration and use of domain names consisting of well-known third parties' trademarks as it was involved as respondent in three other UDRP disputes, which ended with the transfer of the domain names.

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. In particular, the Complainant is the owner of the trademarks SOPRA and SOPRA HR SOFTWARE. The disputed domain name consists of the trademark SOPRA followed by the letters "hr". Therefore, the disputed domain name includes the SOPRA mark entirely and coincides with the first part of the SOPRA HR SOFTWARE mark.

As the entirety of the SOPRA mark is reproduced within the disputed domain name, the disputed domain name is confusingly similar to this mark for the purposes of the Policy. Moreover, the Panel finds the disputed domain name is also confusingly similar to the SOPRA HR SOFTWARE mark, as the dominant feature of this mark is recognizable in the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Accordingly, 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 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.

In particular, the Respondent does not have any relationship with the Complainant and the Complainant did not authorize the Respondent to make use of the Complainant's mark in any manner whatsoever, including as part of the disputed domain name. The Respondent does not own any trademark coinciding with the disputed domain name and nothing in the file induces to believe that the Complainant is commonly known by the disputed domain name. Moreover, the Respondent does not appear to have used the disputed domain name in connection with a bona fide offering of goods or services, or to have made preparations for such use. Nor is the Respondent making a noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue. The Respondent is offering the disputed domain name on the parked page of the Registrar for sale or lease. None of these circumstances indicates a bona fide offering of goods or services or a legitimate noncommercial use of the disputed domain name.

In light of the foregoing, the Panel finds the second element of the Policy is met.

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 is confusingly similar to Complainant's two trademarks registered several years before the date of registration of the disputed domain name. Moreover, the Complainant, through its subsidiary named Sopra HR Software, provides comprehensive solutions in human resources to 900 companies in 54 countries, and the disputed domain name reproduces the initial part of the Complainant's subsidiary name. The disputed domain name is also identical to the Complainant's domain name <soprahr.com> but for the generic Top-Level Domain ".com" which, in the case of the disputed domain name, has been changed into the very similar country code Top-Level Domain ".co". The Complainant's mark SOPRA is inherently distinctive and previous panels have already established that this mark enjoys reputation in its field of business. Accordingly, the Panel concludes that the Respondent was aware of the Complainant and of its marks when it registered the disputed domain name.

The disputed domain name resolves to a parked page of the Registrar, where the disputed domain name is offered for sale or lease. In the absence of any contrary documentary evidence and argument from the Respondent, the Panel considers that the requested price for the disputed domain name exceeds the likely out-of-pocket costs directly related to the disputed domain name. Previous UDRP panels have found that the practice of registering domain names for subsequent resale does not automatically entail bad faith. It is necessary for the Panel to evaluate all the appropriate circumstances of the case, in order to determine whether the Respondent's intent in registering the disputed domain name was in fact to profit or otherwise exploit the Complainant's mark. Section 3.1.1 of the [WIPO Overview 3.0](#) provides a list of circumstances which, if present, alone or together, can show the Respondent's bad faith. Among these circumstances are the following: (i) the Respondent's likely knowledge of the Complainant's rights, (ii) the distinctiveness of the Complainant's mark, (iii) a pattern of abusive registrations by the Respondent, (iv) the threats to transfer the disputed domain name to a third party, (v) failure of the Respondent to present a credible evidence-backed rationale for registering the domain name, and (vi) the Respondent's past conduct or business dealings.

As previously mentioned, at the time of the registration of the disputed domain name, the Respondent was likely aware of the Complainant and of its marks. Moreover, the Complainant's marks are inherently distinctive and other UDRP panels have considered that the SOPRA mark is renown in the relevant field of business, due to its widespread and longstanding use. Considering these previous assessments, this Panel tends to accept that the SOPRA mark enjoys reputation. The Respondent offers for sale or lease the disputed domain name and its email address includes the wording "premiumdomainseller", which entails that there is a general threat to transfer the disputed domain name to a third party. Moreover, the Respondent

did not reply to the Complaint and failed to supply evidence in support of the registration and use of the disputed domain name in good faith. Finally, the Respondent was involved in other UDRP proceedings where the panels ascertained that the Respondent acted in bad faith, all of which involved domain names with the ccTLD “.co” (e.g., *Amundi Asset Management v. QINGRU WU*, WIPO Case No. [DCO2023-0063](#), and *Carrefour SA v. QINGRU WU*, WIPO Case No. [DCO2023-0082](#)).

Based on the above, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under 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 <soprahr.co> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: February 7, 2024