

ADMINISTRATIVE PANEL DECISION

G4S Limited v. Privacy Service Provided by Withheld for Privacy ehf / Venom Focuz

Case No. D2022-2276

1. The Parties

The Complainant is G4S Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Venom Focuz, India.

2. The Domain Name and Registrar

The disputed domain name <g4s.delivery> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 23, 2022. On June 23, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 2022, 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. The Center sent an email communication to the Complainant on June 24, 2022 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 June 28, 2022.

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 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 22, 2022.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on August 2, 2022. 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, G4S Limited, is a British multinational private security company headquartered in London, England.

The Complainant provides security products, services in over 80 countries, employing over 800,000 people worldwide. It asserts it is the largest security solutions provider in the world.

The Complainant owns and uses the mark G4S in connection with its products and services and owns a number of trademark registrations for the G4S mark. These include (i) a registration in the European Union (No. 015263064) that issued to registration on September 20, 2016, (ii) a United States registration (No. 3378800) that issued to registration on February 5, 2008, and (iii) and International Registration (No. 885912) that issued to registration on October 11, 2005 and which has been extended to a number of jurisdictions.

The Complainant also owns and uses the domain name <g4s.com> in connection with a website providing information concerning the Complainant and its products and services.

The disputed domain name was registered on January 17, 2022 and it is currently not active.

5. Parties' Contentions

A. Complainant

The Complainant maintains that it provides security and facility services in around 80 countries and that it has been operating under the name and mark G4S since 2004. Based on such use, and the Complainant's several registrations for the G4S mark, the Complainant claims to have developed widespread consumer goodwill and strong rights in G4S.

The Complainant provides security products, services in over 80 countries, employing over 800,000 people worldwide. It asserts it is the largest security solutions provider in the world.

The Complainant asserts that it has acquired widespread consumer goodwill by virtue of more than a century of widespread use, and 17 years under the name "G4S". As part of their efforts to protect their intellectual property, the Complainant, its affiliates, subsidiaries, and associated companies own trademarks within numerous jurisdictions.

The Complainant asserts that the disputed domain name is confusingly similar to the Complainant's G4S mark as the G4S mark is fully incorporated and recognizable within the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name as the Respondent (i) owns no trademark rights in G4S, (ii) has received no license or permission from the Complainant to use a domain name that includes the G4S trademark, (iii) is not known by the name and trademark G4S, and (iv) has used the disputed domain name to mislead internet users and trade off the Complainant's rights and reputation in the G4S mark.

Lastly, the Complainant argues that the Respondent has registered and used the disputed domain name in bad faith.

Finally, the Complaint states that the use of pay-per-click (“PPC”) links by the Respondent on the disputed domain name constitutes a clear attempt to generate a commercial gain, particularly by misleading online users with the disputed domain name and subsequently redirecting these online users to third-party websites. This is particularly so given that the disputed domain name is an exact match with the Complainant’s brand, which increases the likelihood of confusion. Previous WIPO panels have stated that these circumstances amount to unduly taking advantage of the well-known nature of the Complainant’s mark to attract more Internet users and generate revenue. This is particularly so as the PPC links directly target the Complainant’s sector.

The Complainant request the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

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

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical or confusingly similar to the Complainant’s trademark.

The Complainant holds several valid G4S trademark registrations, which precede the registration of the disputed domain name.

The disputed domain name is identical to the Complainant’s trademarks since it merely reproduces the G4S trademark in its entirety.

The Panel finds the first element of the Policy has therefore been met.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the disputed domain name:

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is no evidence of the existence of any of those rights or legitimate interests. The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or its

trademarks. The Complainant has prior rights in the trademarks which precede the Respondent's registration of the disputed domain name. The Respondent is not using the disputed domain name which cannot constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use. The Complainant has therefore established a *prima facie* case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby shifted the burden to the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to rebut the Complainant's *prima facie* case.

Therefore, the Panel finds that the Complainant has satisfied the second requirement of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove both that the disputed domain name was registered and used in bad faith.

The Complainant's allegations with regard to the Respondent's registration and use of the disputed domain name in bad faith have been considered by the Panel. The Respondent has not contested these allegations.

As explained in the Complaint, the Complainant is a multinational private security company operating in over 80 countries and employing over 800,000 people worldwide. It asserts it is the largest security solutions provider in the world. The term "G4S" does not have any additional meaning, except to identify the Complainant. Thus, it is the view of the Panel that the Respondent was aware of the Complainant and its trademark when it registered the disputed domain name.

According to the Complaint, the disputed domain name resolved to a website containing PPC ads. The Panel is of the view that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that website. In accordance with paragraph 4(b)(iv) of the Policy, this shall be evidence of both the registration and use in bad faith of the disputed domain name for the purposes as set out in paragraph 4(a)(iii) of the Policy.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <g4s.delivery> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: August 16, 2022.