

## **ADMINISTRATIVE PANEL DECISION**

### **ALSTOM v. Gergana Raycheva, Edoms LLC**

#### **Case No. D2022-3634**

#### **1. The Parties**

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

The Respondent is Gergana Raycheva, Edoms LLC, Bulgaria.

#### **2. The Domain Name and Registrar**

The disputed domain name <ge-alstom.com> is registered with DropCatch.com 1096 LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 30, 2022. On September 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 October 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 25, 2022.

The Center appointed Leon Trakman as the sole panelist in this matter on October 27, 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 is a global leader in the fields of power generation, power transmission, and rail infrastructure, employing 36,000 professionals in more than 60 countries.

The Complainant holds trademark registrations in various countries including:

- European Union Trade Mark Number 000948729, registered on August 8, 2001;
- United States Registration Number 2898433, registered on November 2, 2004;
- International Trademark Registration Number 706292 registered on August 28, 1998.

The Complainant has also registered at least 16 domain names between 1998 and 2018. These include generic Top-Level Domains (“gTLD”) such as <alstom.com>, <alstom.net>, <alstom.info>, <alstomgroup.com>, and <alstomgroup.net>. The Complainant has also registered country code Top-Level Domains (“ccTLD”).

Material to this case, the Complainant has registered the following domain names in partnership with General Electric:

- <gecalsthom.com> registered on December 25, 2008;
- <gec-alsthom.com> registered on September 21, 2010;
- <gec-alstom.co> registered on May 8, 2015;
- <ge-alstom.co> registered on October 16, 2015;
- <alstomge.com> and <alstom-ge.com> both registered on April 24, 2014.

The disputed domain name was registered on May 27, 2022. According to evidence in the Complaint, the disputed domain name previously redirected to various websites, including malware and pornographic images. After submission of a complaint to the concerned Registrar and the Respondent, the disputed domain name began resolving to a website with pay-per-click links related to the Complainant’s area of business and the Respondent offered to sell the disputed domain name to the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant alleges:

Firstly, the disputed domain name is identical and confusingly similar to the Complainant’s well established and widely known trademark.

Secondly, the Respondent has no rights or legitimate interests in the disputed domain name.

Thirdly, the Respondent has registered and is using the disputed domain name in bad faith.

The Complainant alleges further that these actions by the Respondent are contrary to the requirements of UDRP Policy, paragraph 4(a).

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The disputed domain name is confusingly similar to the Complainant's established trademarks. It incorporates the Complainant's distinctive trademark in its entirety, other than the addition of the generic Top-Level Domain ("gTLD") ".com", and the addition of the term "ge-" to the name "alstom".

Prior UDRP panels have repeatedly held that the addition of the gTLD ".com" may be disregarded when considering the confusing similarity between the disputed domain name and the Complainant's trademark. See *Alstom S.A. and General Electric Company v. Sichuan Electricity Transmission and Distribution Engineering*, WIPO Case No. [DCO2016-0032](#) (stating that "in determining whether a domain name is identical or confusingly similar to a complainant's mark, UDRP panels have typically disregarded the gTLD or the ccTLD." See also *Oki Data Americas, Inc. v. ASD, Inc.* WIPO Case No. [D2001-0903](#), and *Wal Mart Stores, Inc. v. Kuchora, Kal*, WIPO Case No. [D2006-0033](#)).

The addition of the of the term "ge-" to the Complainant's trademark ALSTOM also does not prevent a finding of confusing similarity, as the Complainant's trademark remains clearly recognizable within the disputed domain name.

Accordingly, the Panel holds that the disputed domain name is confusingly similar to the Complainant's trademark, in accordance with the requirements of Policy, paragraph 4(a)(i).

### **B. Rights or Legitimate Interests**

The Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not affiliated with the Complainant in any capacity. The Complainant has not authorized, licensed or permitted the Respondent to register or use the disputed domain name that incorporates the Complainant's trademarks. There is no evidence on the record that the Respondent received such authorization from an agent, representative, or other affiliate of the Complainant. Nor is there any evidence that the Complainant provided such authorization impliedly, ostensibly, or by ratification. Indeed, the Complainant's conduct, in lodging this claim, refutes any such authorization.

The Respondent is also not commonly known by the disputed domain name, such as through a family name. Nor has the Respondent registered a trademark in that name, or established any legitimate business in that name, or in which it has a registered trademark in that name.

Neither the dynamic redirection to malware or pornographic websites, nor the competing pay-per-click website and offer to sell the disputed domain name after the Complainant's cease and desist letter to the Respondent could be considered either a *bona fide* offering of goods or services or a legitimate noncommercial or fair use. Rather such use is indicative of the Respondent's bad faith, as discussed below.

Accordingly, there is no reasonable basis to determine that the Respondent has any rights or legitimate interests in the disputed domain name, in accordance with the requirements of Policy, paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

The Panel determines that the Respondent has registered and is using the disputed domain name in bad faith.

The Respondent has registered the disputed domain name that replicates the pre-existing and widely known trademark of the Complainant about which the Respondent was likely well aware prior to registration. See *General Electric Company v. Sichuan Electricity Transmission and Distribution Engineering*, WIPO Case No. [DCO2016-0032](#).

Moreover, the addition of the abbreviation “ge-” to the Complainant’s trademark appears intended to serve as an abbreviation of General Electric, which has a long-standing and well-known business relationship with the Complainant. The disputed domain name is also very similar to several domain names operated by the Complainant in its partnership with General Electric. Accordingly, the Respondent’s choice of the additional abbreviation “ge-” further supports an inference of bad faith. See *Veuve Clicquot Ponsardin v. The Polygenix Group co.*, WIPO Case No. [D2000-0163](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#); *Astom S.A. of Levallois-Perret, France and General Electric*, WIPO Case No. [DCO2016-0032](#).

The determination of bad faith is based on all the reasonable evidence that is available in this case. That is demonstrably evident in the Respondent’s knowledge of the Complainant’s trademark and in the intention to take unfair advantage of the Complainant’s goodwill and reputation in its trademark. See *General Electric Company v. Sichuan Shanghai Electric Power T&D Engineering Co., Ltd.*, WIPO Case No. [DCO2016-0030](#).

It is also evident that the Respondent, in purporting to sell the disputed domain name to the Complainant and operating a pay-per-click website with links to services in competition with the Complainant, is intending to take advantage of the Complainant’s trademark. In these circumstances, such use clearly demonstrates that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s trademark. Moreover, the prior redirection of Internet users to websites containing, among others, pornographic images and malware, strongly affirm a finding of bad faith.

Based on these facts and reasonable inferences arising from them, the Panel is unable to identify any circumstances by which to conclude that the Respondent was engaged in any good faith use. Furthermore, the Respondent has not objected to the Complainant’s contentions, nor provided any evidence of good faith use.

Accordingly, the Panel determines that the Respondent registered and is using the disputed domain name in bad faith, in accordance with the requirements of Policy, paragraph 4(a)(iii).

### **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, <ge-alstom.com>, be transferred to the Complainant.

*/Leon Trakman/*

**Leon Trakman**

Sole Panelist

Date: November 10, 2022