

## **ADMINISTRATIVE PANEL DECISION**

### **EGIS v. Name Redacted, egis-group**

### **Case No. D2023-0193**

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

The Complainant is EGIS, France, represented by Novagraaf France, France.

The Respondent is Name Redacted<sup>1</sup>, egis-group, United Kingdom.

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

The disputed domain name <egic-group.com> is registered with Google LLC (the “Registrar”).

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

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2023. On January 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2023, the Registrar transmitted by email to the Center its verification response registrant and contact information for the disputed domain name which differed from the named Respondent (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 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 amendment to the Complaint on January 20, 2023.

The Center verified that the Complaint together with the amendment to 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”).

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<sup>1</sup>As discussed in the decision below, in light of potential identity theft, the Panel has redacted Respondent’s name from the decision. However, the Panel has attached as Annex 1 to this decision an instruction to the corresponding Registrar regarding transfer of the disputed domain name, which includes the name of Respondent. The Panel has authorized the Center to transmit Annex 1 to the corresponding Registrar as part of the order in this proceeding, and has indicated that Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 17, 2023.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on February 23, 2023. 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 consulting, construction, engineering, and operating company that focuses on transport, infrastructure engineering, and building engineering with over 5,000 projects and a team of 16,200 employees. The Complainant has established a global network in over 100 countries, dedicated to build sustainable communities. They provide expertise in numerous sectors of transport as well as buildings and cities. The Complainant is the owner of the following trademark registrations:

- European Union Trademark Registration No. 005831946 filed on March 30, 2007, registered on May 6, 2008, and renewed on March 15, 2017, in classes 35, 36, 37, 39, 40, 41, 42, 44, and 45.
- French Trademark Registration EGIS No. 97684881 filed and registered on June 30, 1997, and renewed on June 26, 2017, in classes 35, 37, 42, and 45.
- French Trademark Registration EGIS No. 083585022 filed and registered on June 27, 2008, and renewed on June 26, 2018, in classes 9, 35, 36, 37, 39, 40, 41, 42, 44, and 45.

In addition, the Complainant is the owner of several domain names including <egis-group.com> registered on March 8, 2001, and duly operated. The disputed domain name was registered on November 15, 2022. The Panel visited the disputed domain name on March 19, 2023, and observed that the disputed domain name does not resolve to an active website.

#### **5. Parties' Contentions**

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

The disputed domain name is confusingly similar to the Complainant's EGIS trademark in which it has rights.

The disputed domain name is composed of EGIC and GROUP with hyphen between them. The Complainant asserts that while the term "group" is descriptive, the term EGIC is similar the Complainant's EGIS trademark and its active website "www.egis-group.com". Therefore, the substitution of the letter "-s" with the letter "-c" is a case of typosquatting.

The Complainant claims that the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services and instead the Respondent has intentionally chosen the disputed domain name for phishing purposes. As a matter of fact, the Respondent activated MX servers and sent fraudulent e-mails to Complainant's customers and the registrant of the disputed domain name is a fraudulent name considering that the Complainant's has an employee with the same name whose professional e-mail address has been hijacked.

At the time the disputed domain name was registered, the Respondent targeted the Complainant's well-known trademark EGIS. The registration of a domain name with intentional misspelling of the Complainant's trademark and its website "www.epis-group.com" is clear indication of bad faith registration.

Lastly, the Complainant's asserts that the use of an email address associated with the disputed domain name, to send a phishing email for fraudulent purposes is in itself evidence that the disputed domain name is being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove the followings:

- (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.

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

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. As indicated above, the Complainant holds several trademark registrations.

The disputed domain name is confusingly similar to the Complainant's mark EGIS where the letter "-s" is replaced by the letter "-c". The Panel agrees that considering the active website of the Complainant being "www.epis-group.com", the disputed domain name is a clear case of typosquatting. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

As regards the generic Top-Level Domain ("gTLD") ".com", it is typically disregarded under the confusing similarity test.

Accordingly, the Panel holds that the disputed domain name is confusingly similar for the purposes of the Policy with a trademark in which the Complainant has rights. As such the Panel holds that paragraph 4(a)(i) of the Policy has been satisfied.

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

The onus is on the Complainant to make out at least a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent has not filed a Response.

As it will be discussed under C, the use of a domain name for illegal activity cannot confer rights or legitimate interests on the Respondent.

The Complainant has made out its *prima facie* case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainant succeeds in relation to the second element of the Policy.

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

The Panel accepts the Complainant's assertions that the trademark EGIS is a well-known trademark. The incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith.

The Panel accepted the Complainant's evidence showing that their clients received fraudulent e-mails for phishing purposes. The fact that the registrant's organization is Egis-Group and registrant's name of the disputed domain name has the same name with an employee of the Complainant's company whose professional e-mail has been hijacked, clearly shows the ill-intention of the Respondent and it is, therefore, without any doubt that these fraudulent emails to customers of EGIS are an attempt to profit from the goodwill established by the Complainant and may cause great damage to Complainant and its reputation.

Therefore, the Panel is convinced that that the Respondent has registered and is using the disputed domain name in bad faith.

### **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, <egic-group.com> be transferred to the Complainant.

*/Emre Kerim Yardimci/*

**Emre Kerim Yardimci**

Sole Panelist

Date: March 20, 2023