

## **ADMINISTRATIVE PANEL DECISION**

G4S Limited v. Manlidy, GNN  
Case No. D2023-1758

### **1. The Parties**

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

The Respondent is Manlidy, GNN, Singapore.

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

The disputed domain name <g4s360.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 20, 2023. On April 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 2023, 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 (WhoisSecure) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 April 25, 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 April 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 25, 2023.

The Center appointed Peter Burgstaller as the sole panelist in this matter on May 30, 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 provides proactive security and facility services around the world (Annexes 4, 6, and 8 to the Complaint). It has rights in the mark G4S through various trademark registrations around the world, *inter alia*:

- G4S (word), United States Registration No. 3378800, registered February 5, 2008, in International Classes 9, 39, and 45;
- G4S (word), European Union Registration No 15263064, registered September 20, 2016, in International Classes 6, 39, and 37;
- G4S (word), International Registration No. 885912, registered October 11, 2005, in International Classes 1, 5, 6, 9, 16, 35, 36, 37, 38, 39, 41, 42, 44, and 45 designated for various countries e.g. Australia, Republic of Korea, Switzerland, Egypt, Serbia, Ukraine (Annexes 7 and 13 to the Complaint).

Additionally, the Complainant is the registrant of the domain name <g4s.com>, which addresses its main website (Annex 4, 6, and 8 to the Complaint). The Complainant is also owner of the domain names <g4s.cn>, <g4s.us>, <g4s.in>, and <g4s.cz> (Annex 9 to the Complaint), and has an online presence *inter alia* on Facebook, LinkedIn, Instagram, or YouTube (Annex 10 to the Complaint).

The disputed domain name was registered on October 16, 2022 (Annex 1 to the Complaint). It currently resolves to a gambling website related to sports, especially soccer (Annex 11 to the Complaint and Panel's independent research on June 9, 2023).

On December 14, 2022, the Complainant sent a cease-and-desist letter to the Respondent requesting also the transfer of the disputed domain name (Annex 14 to the Complaint); the Respondent did not respond.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant is a London-based global security company which provides security and facility services in around 90 countries across the world under the mark G4S. Initially founded in 1901, the Complainant has been operating under its current name, G4S (or Group 4 Securicor) since 2004, when Group 4 Falck and Securicor merged. In 2021, the Complainant was acquired by Allied Universal, and presently has a network of more than 800,000 employees globally.

The Complainant has acquired widespread consumer goodwill, having operated for over a century and under the G4S brand for more than 15 years. As part of its efforts to protect its intellectual property, the Complainant has registered numerous trademarks for the G4S term, and these cover a wide range of territories.

The Complainant uses its main website under the domain name <g4s.com> (registered on December 2, 1999), to market its global offerings. This website is available in multiple languages and includes many country-specific pages. These enable the Complainant to provide its tailored services to users in different countries. The Complainant has established also a strong social media presence and uses the G4S mark to promote its services under this name.

The disputed domain name is confusingly similar to the mark G4S in which the Complainant has rights; it encompasses the G4S mark in its entirety with the addition of the number "360" which is not sufficient to alleviate the likelihood of confusion between the Complainant's G4S mark and the disputed domain name.

Further, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not have any trademark rights to the term G4S, and there is also no evidence that the

Respondent retains any unregistered trademarks to the mark G4S, or “G4S360”, or any similar term. Neither has the Respondent received any license or right from the Complainant to use domain names featuring the G4S mark; the Respondent is also not commonly known by the distinctive term G4S, or “G4S360”, or any similar term.

Finally, the disputed domain name was registered and is being used in bad faith: The Respondent both registered and is using the disputed domain name in bad faith. The Complainant's trademark registrations predate the creation date of the disputed domain name by at least 17 years.

The Respondent is using the Complainant's G4S mark with the addition of the number “360” as web-address to attract Internet users to it's website in an attempt to confuse and mislead Internet users seeking or expecting the Complainant's offerings. Further, the Respondent has used the disputed domain name to direct Internet traffic to land on unrelated content including the online gambling for sports. Moreover, the Complainant sent a cease-and-desist letter to the Respondent on December 14, 2022; the Respondent provided no response. Further, the Respondent has been subject to several other UDRP proceedings which have ruled in favor of the complaining parties, concluding the Respondent has registered and used third-party trademarks in bad faith – hence, the Respondent has engaged in a pattern of bad faith behavior.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) 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. This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Complainant submitted evidence, which incontestably and conclusively establishes rights in the mark G4S.

In the present case, the disputed domain name is confusingly similar to the G4S mark in which the Complainant has rights since the Complainant's G4S mark is clearly recognizable in the disputed domain name. It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name the mere addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) will not prevent a finding of confusing similarity under the first element of the Policy (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). This is the case at present. The addition of the number “360” in the disputed domain name does not prevent a finding of confusing similarity.

Finally, it has also long been held that generic or country-code Top-Level Domains are generally disregarded when evaluating the confusing similarity under the first element.

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

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

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see section 2.1 of the [WIPO Overview 3.0](#)). Here, the Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s mark in its entirety together with the number “360”, cannot be considered fair use as it falsely suggests an affiliation with the Complainant that does not exist (see section 2.5 of the [WIPO Overview 3.0](#)).

Noting the above and the Panel’s findings below, and in the absence of any Response or allegations from the Respondent, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith, and
- the disputed domain name is being used by the Respondent in bad faith.

(i) The Complainant has rights in the registered trademark G4S, long before the registration of the disputed domain name. Further, the Complainant has a strong Internet presence under its domain name <g4s.com> and on social media platforms for years.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant’s rights, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain name incorporates the Complainant’s distinctive registered trademark entirely, together with the number “360”, which indicates a total and/or complete and/or comprehensive service and thus could be inferred as a reference to the Complainant’s e-commerce business. All of which in fact indicates that the Respondent must have been aware of the Complainant’s business and trademark when registering the disputed domain name.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainant put forward evidence that the disputed domain name resolves to a gambling website related to sports, especially soccer. In doing so, the Respondent intentionally attempted to attract Internet users to its websites for commercial gain, by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation or endorsement of its website according to paragraph 4(b)(iv) of the Policy – this constitutes bad faith use of the disputed domain name. This finding is supported by the fact that the Respondent had also registered multiple trademark-abusive domain names

corresponding to the distinct marks of individual brand owners, which establishes a pattern of bad faith conduct too. See, e.g., *Ferm Living ApS v. Manlidy, GNN*, WIPO Case No. [D2023-1754](#); *Solvay Société Anonyme v. Manlidy, GNN*, WIPO Case No. [D2023-0966](#); *Hostelworld.com Limited v. Manlidy, GNN*, WIPO Case No. [D2022-3641](#).

Taking all these aspects and evidence into consideration and the fact that the Respondent failed to respond to the cease-and-desist letter sent by the Complainant and to the Complaint supports the finding that the disputed domain name has been registered and is being used in bad faith under 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 <g4s360.com> be transferred to the Complainant.

*/Peter Burgstaller/*

**Peter Burgstaller**

Sole Panelist

Date: June 13, 2023