Decision for dispute CAC-UDRP-107868

Case number	CAC-UDRP-107868
Time of filing	2025-08-22 09:39:17
Domain names	ds-ud-ratp.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP)

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Eric Williams

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the European Union trademark RATP with registration No. 008945966, registered on 31 January 2011 for goods and services in International Classes 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 24, 25, 27, 28, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 45 (the “RATP trademark”).

FACTUAL BACKGROUND

The Complainant operates public transport systems. Its group is the world’s third-largest urban transport operator, active in 15 countries on five continents. It operates nine modes of transport on a daily basis, and employs 71,000 people.

The Complainant is the holder of the domain names <ratp.fr>, registered on 31 December 1994, and <ratp.com>, registered on 28 January 1999.

The disputed domain name was registered on April 23, 2025. It and resolves to a parking webpage of the Registrar displaying pay-per-click (“PPC”) links, including to transportation services.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant states that the disputed domain name is confusingly similar to the RATP trademark. It submits that the addition of the letters “ds-ud” does not change the overall impression of the disputed domain name as being connected to the Complainant’s RATP trademark, and does not prevent the likelihood of confusion between the disputed domain name and the Complainant’s trademark.

The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not affiliated with and does not carry out any activity for the Complainant. The Complainant adds that it has not authorized the Respondent to use the RATP trademark or to register the disputed domain name. The Complainant notes that the disputed domain name resolves to a parking webpage displaying PPC links.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that it enjoys a strong reputation in the urban transport sector and maintains that the Respondent must have registered the disputed domain name with knowledge of the Complainant’s trademark. The Complainant notes that the disputed domain name resolves to a parking webpage with PPC links, and contends that the Respondent targets the Complainant’s trademark in an attempt to attract Internet users to the website at the disputed domain name for commercial gain.

RESPONDENT

The Respondent did not submit a Response in this proceeding.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

(i) the 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 domain name; and

(iii) the domain name was registered and is being used in bad faith.

By the Rules, paragraph 5(c)(i), it is expected of a respondent to: “[r]espond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name …”

In this proceeding, the Respondent has not used the opportunity provided to it under the Rules and has not submitted a Response

addressing the contentions of the Complainant and the evidence submitted by it.

Identical or confusingly similar

The Complainant has provided evidence and has established its rights in the RATP trademark.

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the general Top-Level Domain ("gTLD") section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). The Panel sees no reason not to follow the same approach here, so it will disregard the ".com" gTLD section of the disputed domain name.

The relevant part of the disputed domain name is therefore the sequence "ds-ud-ratp", which includes the RATP trademark, which is easily recognizable, in combination with the non-distinctive element "ds-ud". As discussed in section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0"), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Taking the above into account, the Panel finds that the disputed domain name is confusingly similar to the RATP trademark in which the Complainant has rights.

Rights and 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.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, because it is not affiliated with the Complainant or authorized by the same to use its trademark, and has no business with the Complainant. The Complainant adds that the disputed domain name resolves to a parking webpage displaying commercial PPC links. Thus, 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 submitted a Response and has not provided an explanation of the reasons why it has registered the disputed domain name and how it intends to use it.

In the Panel's view, the circumstances of this case do not support a finding that the Respondent has rights and legitimate interests in the disputed domain name. It is confusingly similar to the distinctive RATP trademark, which may attract Internet users to the associated webpage where they will be exposed to third-party PPC links, including links to transportation services which is the field of activity of the Complainant. As discussed in section 2.9 of the WIPO Overview 3.0, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

In the lack of any arguments or evidence to the contrary, the above leads the Panel to the conclusion that it is more likely than not that the Respondent, being aware of the goodwill of the Complainant's RATP trademark, has registered the disputed domain name targeting this trademark in an attempt to exploit its goodwill by confusing Internet users that the disputed domain name is affiliated to the Complainant and that the PPC links displayed on the associated webpage are somehow related to or endorsed by the Complainant. The Panel does not regard such conduct as giving rise to rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy lists four illustrative alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The registration of the distinctive RATP trademark predates by 14 years the registration of the disputed domain name. It is confusingly similar to this trademark, and this may well confuse Internet users that it is affiliated to the Complainant and that the

PPC links displayed on the associated website are related to or endorsed by the Complainant. The Respondent has not provided any plausible explanation of its choice of a domain name and of its plans how to use it. The Panel is therefore of the view that it is more likely than not that the Respondent has registered the disputed domain name with knowledge of the Complainant's RATP trademark and with the intention of taking advantage of its goodwill by attracting Internet users and exposing them to commercial PPC links which they may be confused to regard as somehow related to or endorsed by the Complainant.

This satisfies the Panel that the disputed domain name has been registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **ds-ud-ratp.com**: Transferred

PANELLISTS

Name	**Assen Alexiev**

DATE OF PANEL DECISION 2025-09-19

Publish the Decision