



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. CB297DFE

Determination DEFAULT

I. PARTIES

Complainant: Alstef Automation (France)

Complainant's authorized representative: MIIP MADE IN IP (France)

Respondent: PERFECT PRIVACY, LLC (United States)

II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR

Domain Name: alstef.solutions

Registry Operator: Identity Digital

Registrar: Network Solutions LLC

III. PROCEDURAL HISTORY

Complaint submitted: 21 October 2024

Lock of the domain name(s): 4 November 2024

Notice of Complaint: 7 November 2024

Default Date: 21 November 2024

Notice of Default: 22 November 2024

Panel Appointed: 23 November 2024

Default Determination issued: 26 November 2024

IV. EXAMINER

Examiner's Name: Jonathan Agmon

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the disputed domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant, Alstef Automation, is the owner of the trademark ALESTEF, a French developer of automated software solutions. The Complainant states that it owns several trademark registrations for the ALSTEF trademark.

The Complainant asserts the following against the Respondent:

1. The registered domain name is identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds a valid national or regional registration and that is in current use;
2. The Respondent has no legitimate right or interest to the domain name [URS 1.2.6.2]; and
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3] a. b. and c. such as: a. the domain name(s) was/were registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) 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 the Respondent's out-of-pocket costs directly related to the domain name(s)b. Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct; and c. Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor.

B. Respondent:

The Respondent did not submit any response.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The Complainant owns the following trademark registrations of the ALSTEF trademark:

- European Trademark Registration No. 001579194 registered on November 4, 2020 ; and
- International Trademark Registration No. 798873 registered on October 1, 2002.

E. Reasoning:

1. The disputed domain name is identical or confusingly similar to a word mark

The Complainant is the owner of the registered ALSTEF mark. The disputed domain name is <alstef.solutions>. The Examiner finds that the disputed domain name which comprises a



section of the ALSTEF mark and addition of the top-level domain “.solutions” does not avoid confusing similarity with the Complainant’s registered trademark.

The Examiner finds that the requirements set forth under Paragraph 1.2.6.1. of the URS Procedure have been satisfied.

2. Respondent has no rights or legitimate interests to the disputed domain name

The Complainant has not authorized the Respondent to use its ALSTEF mark. The Complainant also argued that the Respondent has no link with the Complainant. The Respondent did not file a Response to the Complaint to rebut the Complainant’s allegations.

The Examiner finds that the Respondent lacks any rights or legitimate interests with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.6.2. of the URS Procedure.

3. The disputed domain name was registered and is being used in bad faith

The Complainant did not provide a screenshot of the website under the disputed domain name. The only evidence provided is single page from an mx lookup service, to which the Complainant has argued that mail servers are set up which constituted a major risk of phishing. However, there is nothing in the evidence showing that the mail servers are operative nor that Complainant has been using the disputed domain name for phishing.

URS paragraph 8.5 provides that it “... is not intended for use in any proceedings with open questions of fact, but only clear cases of trademark abuse.” Prior URS cases have stated that “the URS process is a narrow one with a very high burden of proof and is “without prejudice to the Complainant... proceed[ing] with an action in [a] court of competent jurisdiction or under the UDRP,” URS, para. 8.5, where the record may be more fully developed and the factual and legal arguments not constrained by, among other things, the 500-word limit for URS complaints.” See *Banco Bilbao Vizcaya Argentaria, S.A. v. Gandiyork SL et al.*, FA1403001548656 (28 March 2014).

Accordingly, having considered the evidence submitted by the Complainant, it is the Examiner’s conclusion that the Complainant failed to show that the Complainant has complied with URS 1.2.6.3(c).

The Examiner finds that the requirements set forth under Paragraph 1.2.6.3. of the URS Procedure have not been satisfied by the Complainant.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Not demonstrated

B. Complaint and remedy

Complaint: Rejects

Domain Name: alstef.solutions to be unlocks and returns to the full control of the Registrant.

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Jonathan

Surname: Agmon

Date: 2024-11-26