ADMINISTRATIVE PANEL DECISION  
Case No. DCN-1900894

Complainant: SOPRA STERIA GROUP  
Respondent: 张蔚 (Zhangwei)  
Disputed Domain Name: <soprasteriagroup.com.cn>  
Registrar: 易介集体团北京有限公司

1. Procedural History

The Complainant filed the Complaint with the Hong Kong International Arbitration Centre (HKIAC) on 25 April 2019, in accordance with the provisions under the CNNIC ccTLD Dispute Resolution Policy ("CNDRP") issued by the China Internet Network Information Center ("CNNIC") and became effective on 21 November 2014 and the CNNIC ccTLD Dispute Resolution Policy Rules ("Rules") issued by the CNNIC and became effective on 21 November 2014 and the HKIAC Supplemental Rules for CNDRP and Rules of CNDRP ("Supplemental Rules"), issued by the Hong Kong International Arbitration Centre and became effective on 21 November 2014.

On 3 May 2019, the HKIAC confirmed receipt of the Complaint and notified CNNIC of the Complaint submitted.

On 9 May 2019, the Complainant submitted an amended Complaint, and a further amended Complaint was submitted on 23 May 2019.

On 29 May 2019, the Registrar of the Disputed Domain Name confirmed that the Respondent is 张蔚 (Zhangwei), and the Disputed Domain Name <soprasteriagroup.com.cn> is registered with 易介集体团北京有限公司 (EJEE Group Holdings Limited).

On 12 June 2019, the HKIAC sent the Respondent a written notice of complaint which involved a notification that a compliant concerning the Disputed Domain Name <soprasteriagroup.com.cn> was submitted against the Respondent and a requirement to submit a Response within 20 days, i.e. on or before 2 July 2019, and forwarded the Complaint (along with its Annexes) to the Respondent pursuant to the CNDRP. The formal date of commencement of the administrative proceeding was 12 June 2019.

On 12 July 2019, the HKIAC confirmed that it did not receive a Response from the Respondent in respect of the Complaint concerning the Disputed Domain Name within the required period.
On 15 July 2019, the HKIAC appointed Mrs. Peggy Po Yee CHEUNG as the sole Panelist for this domain name dispute, and the case files were transferred to the Panelist, on the same day.

2. Factual background

(I) Complainant: SOPRA STERIA GROUP
Place of registration: France
Principal place of business: Europe, Africa, Asia including China
Address: PAE Les Glaisins – 3 rue du Pré Faucon - 74940 Annecy le Vieux - France

(2) Respondent: 张蔚 / Zhangwei
Address: 黄岩南城南洋 113 号 - 浙江 - 台州市- 318020 – China
Disputed Domain Name: <soprasteriagroup.com.cn> was registered on 20 June 2018 for 2 years until 20 June 2020.

3. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

(1) The Disputed Domain Name is identical to the Complainant’s commercial name and trademarks in which the Complainant has civil rights and interests.

First, the Disputed Domain Name <soprasteriagroup.com.cn> is identical to SOPRA STERIA GROUP's commercial name which results from the merger of the companies SOPRA and STERIA in 2015.

Second, the Disputed Domain Name reproduces the Complainant’s "SOPRA STERIA" registered trademarks, including the following:

- the International trademark "SOPRA STERIA" No 1290669 filed on 24 September 2015 and which designates China where it is registered since March 2016;
- the EU trademark "SOPRA STERIA" No 013623889 filed on 15 May 2015;
- the French trademark "SOPRA STERIA" No 4125228 filed on 13 October 2014.

The Complainant holds exclusive rights on those signs which are reproduced in the Disputed Domain Name.

(2) The holder of the Disputed Domain Name has no legitimate right or interest over the domain name.
The Complainant is the only entity in capacity of using the signs "SOPRA STERIA GROUP" and "SOPRA STERIA" protected respectively as a commercial name and as trademarks.

The Complainant has granted no license to the registrant of the Disputed Domain Name over these commercial name and trademarks.

(3) The holder of the Disputed Domain Name registered the disputed domain name in bad faith.

The holder of the Disputed Domain Name registered this domain name for the only purpose of selling or transferring the domain name to the Complainant and to obtain unjustified benefits.

The Disputed Domain Name leads to a webpage offering to transfer the Disputed Domain Name in exchange of a payment of RMB 7000 or USD 1000.

In addition, in response to the demand letter sent by the Complainant to the holder of the Disputed Domain Name requesting its transfer to the Complainant, the holder of the disputed domain offered the disputed domain for sale: "The domain is $1000 USD, which is traded through escrow.com."

Hence, the Complainant is of the view there is no doubt that the Disputed Domain Name was registered in bad faith and with no right in order to sell or transfer it to the Complainant and to obtain unjustified benefits from the Complainant.

B. Respondent

The Respondent did not reply to the Complainant’s.

4. Findings

4.1 Language of proceedings

The language of the registration agreement for the Disputed Domain Name is Chinese. Article 8 of the Rules provides that, “unless otherwise agreed by the Parties or determined in exceptional cases by the Panel, the language of the domain name dispute resolution proceedings shall be Chinese.” This Rule does allow the Panel in some circumstances to determine that a language other than Chinese shall be the language of the proceedings.

From the evidence presented on the record, no agreement appears to have been entered into between the Complainant and Respondent to the effect that the language of the proceedings should be English. The Complainant filed initially its Complaint in English, and has requested that English be the language of the proceedings for the following reasons:
- The Complainant and their representatives are established in France and are French and English speaking. The Complainant does not understand or speak Chinese.

- By submitting the Complaint in English and requesting that the language of proceedings be English, the Complainant intends to find a common ground on which all parties and the Panel have more chances to reach a high level of comfort.

Indeed, the following circumstances demonstrate that the Respondent understands and speaks English:

- the Respondent replied in English to an email written in English sent to him by the Complainant;

- the content of the web page accessible through the disputed domain name and displayed by the Respondent is written in both English and Chinese.

- Conversely, the time and expense that a translation of this Complaint, and the attached evidence, would only increase the damage already caused to the Complainant. More particularly, a translation of these documents would incur high expenses and delay and would considerably affect the Complainant’s capacity to make their claim in the most suitable conditions for all.

Article 31 of the Rules requires the Panel, inter alia, to “ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case” and to “ensure that the proceedings take place with due expedition”.

The Panel has taken into consideration the facts that the Complainant is a company from France, and the Complainant will be spared the burden of working in Chinese as the language of the proceedings. The Panel has also taken into consideration the fact that the Domain Name includes Latin characters “soprasteria” and the English word “group”.

- On the record, the Respondent appears to be a Chinese individual and is thus presumably not a native English speaker, but the Panel finds adequate grounds in the present proceeding to accept the Complainant’s request and to proceed in English. In particular, the Panel notes that, based on the evidence provided by the Complainant, (a) the Disputed Domain Name <soprasteriagroup.com.cn> is registered in Latin characters and English word, rather than Chinese script; (b) the Respondent replied in English to an email written in English sent to him by the Complainant; and (c) the content of the web page accessible through the Domain Name and displayed by the Respondent is written in both English and Chinese.

Considering these circumstances, the Panel finds the choice of English as the language of the present proceeding is fair to both parties and is not prejudicial to either one of the parties in his or her ability to articulate the arguments for this case. Having considered all the matters above, the Panel determines that English shall be the language of the proceeding, and the decision will be rendered in English.
4.2 Findings on substantive issues

As to the case, Article 8 of CNDRP provides that a complaint against a registered domain name shall be supported if the following conditions are fulfilled:

i. The Disputed Domain Name is identical with or confusingly similar to the Complainant’s name or mark in which the Complainant has civil rights or interests:

ii. The Disputed Domain Name holder has no right or legitimate interest in respect of the domain name or major part of the domain name;

iii. The Disputed Domain Name holder has registered or has been using the domain name in bad faith.

Article 7 of CNDRP states that the complainant and the respondent shall bear the burden of proof for their own claims.

Article 31 of the Rules states that if the Respondent does not submit a response, the Panel shall, in the absence of exceptional circumstances, decide the dispute based upon the Complaint.

With reference to the Complaint and the attached documents, the Panel of this case considers that:

**Identical or Confusing Similarity**

The Panel finds that the Complainant has rights in the SOPRA STERIA trademark acquired through registration prior to the registration of the Disputed Domain Name by the Respondent. The SOPRA STERIA trademark has been registered through the international trademark registration which designates, amongst other jurisdictions, China, and the Complainant has also registered the trademark in Europe, and separately in France. The Disputed Domain Name only differs from the Complainant’s trademark by the addition of the word “group”. Generally, a respondent may not avoid likely confusion by appropriating another’s entire mark and adding descriptive or non-distinctive matter to it. (The Argento Wine Company Limited v. Argento Beijing Trading Company, WIPO Case No. D2009-0610; PCCW-HKT DataCom Services Limited v. Yingke, ADNDRC Case No. HK0500065), accordingly, the Panel is of the view that the Dispute Domain Name is confusingly similar to the Complainant’s prior registered trademarks.

Furthermore, the Disputed Domain Name <soprasteriagroup.com.cn> is in fact identical to the company name of the Complainant, SOPRA STERIA GROUP, a name which the Complainant adopted following its merger in 2015, prior to the date of registration of the Disputed Domain Name by the Respondent.

The Panel therefore holds that the Complaint fulfils the first condition of Article 8 of the CNDRP.

**Rights or Legitimate Interests of the Respondent**
The Complainant claims to be the only entity using the sings “SOPRA STERIA GROUP” and “SOPRA STERIA” which it has protected respectively as a commercial name and as trademarks, and it has not granted any license to the Respondent to use or register the Disputed Domain Name.

Based on the above, the Panel finds that the Respondent has no rights or legitimate interest in the Disputed Domain Name.

**Bad Faith**

Article 9 of the CDNRP provides some examples of circumstances that may be evidence of the use and registration of a domain name in bad faith. The first example is as follows:

“The purpose for registering or acquiring the domain name is to sell, rent or otherwise transfer the domain name registration to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits”.

The Disputed Domain Name leads to a webpage offering to transfer the Disputed Domain Name for a payment of RMB7000 or USD1000. In addition, in response to the demand letter sent by the Complainant to the Respondent requesting its transfer to the Complainant, the Respondent offered to sell the Disputed Domain Name for USD1000.

Based on the above, the Panel concludes that the first circumstance referred to in Article 9 of the CDNRP is applicable to the present case and considering the evidence provided by the Complainant, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

5. **Decision**

For all the foregoing reasons, the Panel finds that the Complainant has satisfied all three elements laid down in Article 8 of CNDRP. Therefore, the Panel supports the Complaint and orders that the disputed domain name <soprasteriagroup.com.cn> be transferred to the Complainant.

Panelist: Mrs. Peggy Po Yee CHEUNG

Date: 1 August 2019