

ADMINISTRATIVE PANEL DECISION

Veolia Environnement SA, v. ReachLocal Hostmaster
Case No. D2022-2431

1. The Parties

The Complainant is Veolia Environnement SA, France, represented by IP Twins, France.

The Respondent is ReachLocal Hostmaster, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 5, 2022. On July 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 6, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 12, 2022 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 July 12, 2022.

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 July 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 9, 2022. The Respondent then sent an email to the Center on August 10, 2022, claiming that the disputed domain name was disabled.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on August 18, 2022. 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 Veolia Environnement SA which is registered under French law with its registered office in Paris is the holding company of the Veolia group. The group is 160 years old with revenue of EUR 26,010 billion worldwide. It employs more than 220,000 employees worldwide.

The Veolia group has three core businesses; water production, water treatment and collection, and production of energy networks.

The Complainant helps cities and industries to manage and optimize their resources and provides an array of solutions related to water, waste recovery and energy to promote the optimized resource management and, the transition towards a circular economy to tackle the problem of dwindling raw materials, water and energy resources.

The Complainant is actively involved in climate change and has launched various advertising campaigns over the past few years. The Complainant was actively involved on the occasion of the Conference on climate change (COP21) on a series of issues such as combating methane emissions and putting a price on carbon or recycling resources.

Evidence of the Complainant's activities is set out in annexes to the Complaint including Annexes 3, 4, 5, 8 and 10. The Complainant's Annual Integrated Report for 2019-2020 is exhibited at Annex 6.

The Complainant provides evidence of international trade mark registrations that it relies upon which is exhibited at Annexes 19 and 32. These registrations include:

International registration No. 814678 VEOLIA registered September 11, 2003 in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41, and 42.

International registration No. 919580 VEOLIA registered March 10, 2006 in classes 9, 11, 16, 35, 36, 37, 38, 39, 40, 41, and 42.

International registration No. 910325 VEOLIA registered March 10, 2006 in classes 9, 11, 16, 32, 35, 36, 37, 38, 39, 40, 41, 42, and 44.

European Union registration No. 0910325 VEOLIA registered March 10, 2006 in classes 9, 11, 16, 35, 36, 37, 38, 39, 40, 41, 42, and 44.

United States registration VEOLIA and drawing No. 3000764 registered September 27, 2005 in classes 1, 9, 11, 35, 36, 37, 39, 40, 41, and 42.

United States registration VEOLIA No. 5603792 registered November 13, 2018 in classes 1, 7, 37, 39, 40, and 42.

United States registration VEOLIA No. 3543738 registered December 9, 2008 in classes 16, 35, 37, 39, 40, and 42.

The Complainant operates the domain name <veolia.com> to promote its services and which was registered on December 30, 2002.

The evidence of the disputed domain name shows that it was registered on June 1, 2022 which is after the dates of registration of the above trade mark registrations relied upon by the Complainant. The disputed domain name used to redirect to a website displaying the Complainant's trademark. By the time of this decision, the website was inactive.

In the absence of a Response the Panel finds the above evidence adduced by the Complainant to be true.

5. Parties' Contentions

A. Complainant

The Complainant contends:

- i. It owns trade mark registrations for the mark VEOLIA which predate the disputed domain name. The disputed domain name is confusingly similar to VEOLIA in that it consists of the mark VEOLIA together with the elements "my" and "water".
- ii. It is "very unlikely" given the absence of a Response that the Respondent has prior rights or legitimate interests in the domain name.
- iii. On the evidence it is implausible the Respondent was unaware of the Complainant or its reputation in the mark VEOLIA at the date of registration of the disputed domain name. There is evidence that the disputed domain name was used for phishing activity and now directs towards an inactive web page.

B. Respondent

The Respondent has failed to serve a Response. It nevertheless sent its email of August 10, 2022 to the Center claiming that the disputed domain name was disabled. On August 31, the Respondent sent an email to the Center requesting the Complaint to be dismissed, as the disputed domain name was disabled.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established on the evidence set out in Section 4 above that it is the owner of numerous registered trade marks for the mark VEOLIA which pre-date the date of registration of the disputed domain name.

The Complainant points out that the disputed domain name consists of the mark VEOLIA together with the words "my" and "water". The addition of these terms does not prevent a finding of confusing similarity.

The Complainant rightly points out that on the basis of well-established authority the use of a gTLD as part of the domain name, in this case ".com" is irrelevant for the purpose of avoiding a finding of confusing similarity.

The Panel agrees with the Complainant's submissions and finds that the disputed domain name <mywaterveolia.com> is confusingly similar to the trade mark VEOLIA in which the Complainant has rights within paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant submits on the basis of its long trading activity using the mark VEOLIA and the fact that several trade marks for VEOLIA preceded the date of registration of the disputed domain name supports a finding that the Respondent did not own prior rights or has a legitimate interest in the disputed domain name.

The Complainant is supported in this submission by a recent Panel decision cited by the Complainant and in which it was also the Complainant; *Veolia Environnement SA v Hartford Vehicle*, WIPO Case No. [D2021-3821](#) where that Panel found the trade mark VEOLIA to be “a well-known and long established trade mark”. This Panel on the basis of the Complainant’s evidence reaches the same finding.

Moreover, the disputed domain name reproduces the Complainant’s trademark with the addition of the words “my” and “water”. The word “water” in a generic sense is at the core of the Complainant’s commercial activities. As put by the Complainant, the words “my water” imply that the website is dedicated to consumers’ water consumption and the related bills. As a consequence, the Respondent cannot reasonably pretend that it was intending to develop a legitimate activity by using the disputed domain name especially given that the domain name incorporates VEOLIA in its entirety.

There is no evidence and therefore in the Complainant’s view it is “unlikely” that the Respondent was ever commonly known by the domain name, in any way affiliated with the Complainant, or licensed to use the trade mark VEOLIA. The Panel agrees with this submission and finds that without any *bona fide* license or consent from the Complainant no actual or contemplated *bona fide* or legitimate use of the domain name could reasonably be claimed.

The Complainant also relies upon the fact that it attempted to contact the Respondent by sending a cease and desist letter by email to the Respondent. This is exhibited at Annex 13. There is no evidence of a reply from the Respondent. The Complainant points out that if the Respondent had a legitimate interest it would have responded defending its rights. That did not happen.

The Panel agrees with the Complainant’s submissions and finds, in the absence of a Response and contrary evidence, that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant submits that it is “implausible” that the Respondent was unaware of the Complainant when the disputed domain name was registered. The Complainant is well-known throughout the world. The Panel has accepted this submission in section 6B above. It therefore follows that the Respondent was aware of the existence of the Complainant’s mark VEOLIA at the date of registration of the disputed domain name.

The Complainant relies upon established authority (see, for example, *LEGO Juris A/S v Reiner Stotte*, WIPO Case No. [D2010-0494](#)) that bad faith can be found where the domain name is so obviously connected to a well-known trade mark that its use (or registration) by someone with no connection to the trade mark constitutes opportunistic bad faith. That is the situation here where the disputed domain name consists not just of the Complainant’s trade mark VEOLIA but also the word “water” which is descriptive of the Complainant’s commercial activities.

On the basis of these submissions and evidence the Panel finds that the disputed domain name was registered in bad faith.

In support of its contention that the disputed domain name has been used in bad faith by the Respondent the Complainant submits that it is more likely than not that the Respondent’s objective was to capitalize on or otherwise take advantage of the Complainant’s trade mark rights. The Complainant has established (see 6B above) on the evidence that VEOLIA is a well-known mark.

As can be seen from Annex 20 to the Complaint the website to which the disputed domain name was directed contained various payment and financial data links so that it likely that it was being used for phishing purposes. The domain name now directs towards an inactive webpage as can be seen from Annex 17. There is no evidence of a *bona fide* or legitimate use.

Additionally, the Complainant submits that sufficient evidence exists to satisfy a finding of bad faith under the so-called “passive holding” doctrine set out in *Virgin Enterprises Limited v Cesar Alvarez*, WIPO Case No. [D2016-2140](#) including:

- i. The high degree of distinctiveness or reputation of the Complainant’s mark;
- ii. The failure of the Respondent to submit a response or provide evidence of good faith use;
- iii. The Respondent concealing its identity;
- iv. The implausibility of the evidence of good faith use.

The Panel takes into account, particularly, that the Respondent has not submitted a Response nor adduced evidence of good faith use.

Taking into account the lack of a Response and contrary evidence the Panel is satisfied that the Respondent’s use of the disputed domain name is in bad faith. Accordingly the Panel finds that the disputed domain name was registered and is being used in bad faith within 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 <mywaterveolia.com> be transferred to the Complainant .

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: September 1, 2022