

## **ADMINISTRATIVE PANEL DECISION**

Bureau Veritas v. Metodi Darzev, Tool Domains LTD  
Case No. DAE2023-0009

### **1. The Parties**

The Complainant is Bureau Veritas, France, represented by Dennemeyer & Associates SAS, France.

The Respondent is Metodi Darzev, Tool Domains LTD, Bulgaria.

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

The disputed domain name <bureauveritas.ae> (the “Domain Name”) is registered with AE Domain Administration (.aeDA).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 9, 2023. On November 10, 2023, the Center transmitted by email to .aeDA a request for registrant verification in connection with the Domain Name. On November 14, 2023, .aeDA transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 15, 2023. In accordance with the Rules, paragraph 5(a), the due date for Response was December 5, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on December 21, 2023.

The Center appointed Nicholas Smith as the sole panelist in this matter on December 21, 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 is French company which provides testing, inspection and certification services. The Complainant employs over 82,000 people in 1,600 offices and laboratories worldwide.

The Complainant has held trademark registrations for BUREAU VERITAS (the “BUREAU VERITAS Mark”) in numerous jurisdictions, including United Arab Emirates registration (No. 99773) registered on September 27, 2012 for various services in class 42.

The Domain Name <bureauveritas.ae> was created on October 30, 2022. It is currently inactive however prior to the commencement of this proceeding it resolved to a website offering pay-per-click advertisements and indicated that the Domain Name may be for sale.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the BUREAU VERITAS Mark, having registered the BUREAU VERITAS Mark in the United Arab Emirates. The Domain Name is identical or confusingly similar to the BUREAU VERITAS Mark as it reproduces the BUREAU VERITAS Mark in its entirety and adds the country-code Top-Level Domain (“ccTLD”) “.ae”.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the BUREAU VERITAS Mark. The Respondent is not commonly known by the BUREAU VERITAS Mark, nor does it use the Domain Name for a *bona fide* purpose or legitimate noncommercial purpose. Instead, the Domain Name resolves to a site advertising itself for sale. Such use of the Domain Name cannot and does not constitute *bona fide* commercial use, sufficient to legitimize any rights or interests the Respondent might have in the Domain Name and therefore the Respondent has no rights or legitimate interests in the Domain Name under paragraph 6(a)(ii) of the Policy.
- c) The Domain Name was registered and is being used in bad faith. The Respondent has registered the Domain Name for the sole purpose of advertising it for sale. In such circumstances, the Respondent’s conduct amounts to use of the Domain Name in bad faith.

##### B. Respondent

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

#### 6. Discussion and Findings

##### 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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7. <sup>1</sup>

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<sup>1</sup> The Panel, noting the similarities between the Policy and Uniform Domain Name Dispute Resolution Policy (“UDRP”), has cited authorities decided under the UDRP where appropriate. This includes the [WIPO Overview 3.0](#), noting that the that the

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the Domain Name. Accordingly, the Domain Name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

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

Paragraph 6(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services. Paragraph 6(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 6(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 6(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The use of the Domain Name for a parking page with pay-per-click links unrelated to a dictionary meaning of the Domain Name is not a *bona fide* offering of goods or services nor legitimate noncommercial or fair use. Nor does the fact that the page indicates that the Domain Name may be for sale provide the Respondent with rights or legitimate interests. The Panel notes the statements in the [WIPO Overview 3.0](#) on the question of whether “parked” pages comprising pay-per-click links support the respondent’s rights or legitimate interests. Section 2.9 of the [WIPO Overview 3.0](#) (making reference to paragraph 4(c) of the UDRP, which corresponds to 6(c) of the Policy) notes that:

“Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC [pay-per-click] 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. Panels have recognized that the use of a domain name to host a page comprising PPC links would be

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[WIPO Overview 3.0](#) refers to the UDRP paragraphs 4(a), (b) and (c) which correspond to Policy paragraphs 6(a), (b) and (c).

permissible – and therefore consistent with respondent rights or legitimate interests under the UDRP – where the domain name consists of an actual dictionary word(s) or phrase and is used to host PPC links genuinely related to the dictionary meaning of the word(s) or phrase comprising the domain name, and not to trade off the complainant’s (or its competitor’s) trademark.”

In the present case, the Respondent’s use of the identical Domain Name to host a parking page with pay-per-click links referring to the quality control services offered by the Complainant does not provide the Respondent with rights or legitimate interests in the Domain Name as the quality control services do not correspond to any non-trademark meaning of the words comprising the Domain Name.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered or is Being Used in Bad Faith**

The Panel notes that for the purposes of paragraph 6(a)(iii) of the Policy, paragraph 6(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Domain Name, which is identical to BUREAU VERITAS Mark, resolved to a page offering pay-per-click links referring to the Complainant’s services for which the Respondent most likely would receive some commercial gain. In these circumstances where the Respondent has offered no plausible explanation for the registration of the Domain Name, the Panel finds that the Respondent was most likely aware of the Complainant at the time of registration and considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the Respondent’s website or location or of a product or service on the Respondent’s website or location. Paragraph 6(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Panel, while noting that the .AE Policy only requires that a complainant shows that a respondent registered or used the domain name at issue in bad faith, finds that the Respondent has registered and has been using the Domain Name in bad faith under paragraph 6(a)(iii) of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <bureauveritas.ae> be transferred to the Complainant.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: January 4, 2024