

## **ADMINISTRATIVE PANEL DECISION**

Veolia Environnement SA v. King Alo  
Case No. D2024-0718

### **1. The Parties**

The Complainant is Veolia Environnement SA, France.

The Respondent is King Alo, United States of America (“USA”).

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2024. On February 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 16, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 2024 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 February 22, 2024.

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 March 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 12, 2024.

The Center appointed Jane Lambert as the sole panelist in this matter on April 25, 2024. 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 a public company incorporated with limited liability in France and has its registered office in Paris. It is the holding company of a group of companies known as “the Veolia Group”. Members of that group can trace their history back 170 years. The group’s turnover was EUR 42,885 million in 2022 and it had more than 220,000 employees.

The group has 3 core businesses:

- Water: it has supplied drinking water to 111 million people from 4,130 supply and 3,506 water treatment stations;
- Waste disposal: it has treated 61 million metric tons of waste and collecting services on behalf of local authorities from 46 million individuals; and
- Energy: it has produced 44 million MWh from 2,716 industrial sites and 680 heating and cooling networks.

The Complainant helps businesses and local authorities to manage and optimize their resources. It offers an array of solutions related to water, waste recovery and energy to promote optimized resource management and transition toward a circular economy.

The Complainant holds several trade mark registrations of the word mark VEOLIA in many classes. It registered VEOLIA as a European Union trade mark for goods and services in classes 9, 11, 16, 32, 35, 36, 37, 38, 39, 40, 41, 42 and 44 under registration number 0910325 on March 10, 2006. It holds corresponding registrations in other jurisdictions including the USA under registration number 5603792, registered on November 13, 2018, and Australia under registration number 983214, registered on September 11, 2003.

All that is known about the Respondent are the name and contact details that the Registrar disclosed to the Center through these proceedings. The postal address does not appear to be genuine because the Center’s courier was unable to serve the Complaint on the Respondent.

The disputed domain name was registered on October 3, 2023, and it does not resolve to any active website. The disputed domain name came to the Complainant’s notice when its Australian subsidiary encountered the bogus notifications of new banking arrangements addressed to its business partners and clients that are annexed to the Complaint marked Annex 20-1 and Annex 20-2. The document states that the email account of “Finance Contact Email and Remittance Advice” is “accounts[...]@veolipty.com” and the website is “www.veolipty.com”.

The Complainant attempted to use ICANN’s “Registration Data Request Service” to ascertain the identity of the Registrant of the disputed domain name but the Registrar did not disclose it to the Complainant.

A bundle of correspondence between the Registrar and the Complainant’s legal representatives is annexed to the Complaint marked Annex 27. The Complainant’s lawyers sent the letter before claim dated January 25, 2024, in Annex 13 to the Registrar Abuse channel as well as to the email address associated with the disputed domain name through the privacy service, and two reminders, but have never received a reply.

#### **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 disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the trade mark VEOLIA which it has registered in the European Union and other jurisdictions. It incorporates that trade mark in its entirety and combines it with the abbreviation “pty” which stands for the Australian subsidiary of the Veolia group, named ENVIRONMENTAL SERVICES PTY LTD.

As the Complainant has registered the trade mark VEOLIA in many jurisdictions prior to the registration of the disputed domain name, and considering the notoriety of such it is unlikely that the Respondent could have acquired rights or legitimate interests in the disputed domain name. The Complainant has found no evidence of such rights or legitimate interests. If any such rights or legitimate interests exist, the Respondent has had ample opportunity to assert them and has failed to do so.

The Complainant contends that the registration of a well-known mark as a domain name is an act of bad faith in itself and cites, *LEGO Juris NS v Reiner Stotte*, WIPO Case No. [D2010-0494](#); and *Sanofi-Aventis v. Nevis Domains LLC*, WIPO Case No. [D2006-0303](#), in support of that contention. Having observed that it is implausible that the Respondent was unaware of the Complainant at the time of registration of the disputed domain name, the Complainant also submits that knowledge of a corresponding mark at the time of the registration of the domain name is also a sign of bad faith citing, *Compagnie Générale des Etablissements Michelin v. Cameron Jackson*, WIPO Case No. [D2016-2392](#). Relying on *Chicago Blackhawks Hockey Team, Inc. v. Moniker Privacy Services, Jonathon Kimball abv iCapitall Holdings*, WIPO Case No. [D2018-2064](#); and *Kimley-Horn and Associates, Inc. v Abraham Hashim*, WIPO Case No. [DCO2019-0017](#), the Complainant argues that the registration of a domain name for use in wrongdoing is evidence of registration in bad faith. Furthermore, despite the fact that the disputed domain name resolves to an inactive page, the Respondent's use of the disputed domain name is in bad faith as it was used for fraudulent purposes.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4 (a) of the Policy requires the Complainant to prove that:

- (i) The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

### **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 disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name together with the abbreviation "pty". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds 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 rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel also notes the composition of the disputed domain name, which carries a risk of implied affiliation with the Complainant ([WIPO Overview 3.0](#), section 2.5.1.), as well as the evidence provided in the Complaint that the disputed domain name has been used for fraudulent activity, which can never confer rights or legitimate interests on behalf of the Respondent.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion of the disputed domain name with the Complainant’s mark. The Panel has already found that the disputed domain name is confusingly similar to the Complainant’s trade mark. By registering the disputed domain name, and using it for fraudulent purposes, the Respondent created a likelihood of confusion with that mark.

By falsely informing customers and business partners of the Complainant’s Australian subsidiary of a change of banking arrangements the Respondent has intentionally attempted to attract payments from those customers and business partners whereby they would have derived a commercial gain.

The Panel finds that the Complainant has established the third element 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 <veoliapty.com> be transferred to the Complainant.

*/Jane Lambert/*

**Jane Lambert**

Sole Panelist

Date: May 8, 2024