

ADMINISTRATIVE PANEL DECISION

VFS Global Services PLC. v. Vianne A. Ahura
Case No. D2024-1560

1. The Parties

The Complainant is VFS Global Services PLC., India, represented by Aditya & Associates, India.

The Respondent is Vianne A. Ahura, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <expressvfs.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 12, 2024. On April 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 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 (Contact Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 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 April 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 April 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 15, 2024.

The Center appointed Alfred Meijboom as the sole panelist in this matter on May 20, 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 an Indian company which was established in 2001, and provides outsourcing and technology services in connection with the provision of visa application services for various countries, including operating visa application centers under the VFS brand in which individuals can file visa applications. The Complainant has processed over 236 million applications since 2001, over 104.05 million biometric enrolments since 2007 and operates out of 3,516 Visa Application Centers located in Asia, Africa, Middle East, and Europe. The Complainant promotes its services under the VFS brand including its portal at the domain name <vfsglobal.com> which its group company registered on February 23, 2005.

The Complainant is the owner of registered trademarks in various jurisdictions consisting of VFS and VFS GLOBAL, including:

- Indian trademark VFS with registration number 12555698 of December 16, 2003, for, inter alia, visa administration services;
- United Arab Emirates device mark VFS GLOBAL with registration number 303932 of April 21, 2019 for, inter alia, professional business consulting; and
- Unites States device mark VFS. VFS. GLOBAL EST. 2001 with registration number 5,694,062 of March 12, 2019, for, inter alia, administration of business engaged in providing full visa, passport and travel documents administration services.

In all such registered trademarks the term “vfs” is the dominant element (together and individually the “VFS Mark”).

The disputed domain name was registered on April 10, 2023, and resolves to a website which purportedly offers competing services such as visa, passport, and ticketing services for Saudi Arabia and the Unites Arab Emirates. The website uses the name Express Visa Facilitation Services and provides a physical address in Kampala, Uganda under “Locate us”.

Upon discovery of the Respondent’s website, the Complainant sent the Respondent via its Registrar a cease-and-desist letter by email of January 29, 2024, to which there was no response.

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 VFS Mark because the essential and significant part of the disputed domain name is “vfs” which is identical and/or confusingly similar to the VFS Mark. The addition of term “express” does not prevent the likelihood of confusion between the disputed domain name and the VFS Mark.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant has never licensed or otherwise permitted the Respondent to use its VFS Mark or to register any domain name including the VFS Mark. Also, the Complainant alleges that the disputed domain name does not reflect the Respondent’s name, nor does the Respondent, to the Complainant’s knowledge, have a trademark registration reflecting “vfs” in any jurisdiction.

The Complainant contends that the disputed domain name was registered in bad faith because the Respondent was obviously aware of the VFS Mark when it registered the disputed domain name, which it considers to be famous in the field of visa and passport services. The Complainant also contends that the disputed domain name is used in bad faith because it is used for the same services as the Complainant

offers under the VFS Mark in the relevant countries. According to the Complainant, it is absolutely clear that the disputed domain name was registered and being used by the Respondent in bad faith whereby there has been a blatant attempt to deceive and cheat by posing to be the Complainant and intending to defraud and scam Internet users.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed 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 VFS Mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 Complainant's VFS Mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's VFS Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the prefix "express" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's VFS Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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.

Based on the available record, 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 considers that another UDRP panel found that the Complainant had “acquired goodwill and a widespread reputation in the VFS trademarks, in relation to visa processing services” (*VFS Global Services PLC. v. Ajay Kumar*, WIPO Case No. [D2022-4378](#)), and the evidence in the present case supports such finding. From the Complainant’s widespread and long-standing use of the VFS Mark for visa and passport services worldwide and the Respondent’s use of the disputed domain name for visa and passport services, in absence of the Respondent’s rebuttal, the Panel infers that the Respondent must have had the VFS Mark in mind when it registered the disputed domain name, which makes the registration of the disputed domain name in bad faith.

Further, the Panel is satisfied that the Respondent’s use of the disputed domain name in connection to offering purported visa and passport services in direct competition with the Complainant constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the VFS Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or services offered on the Respondent’s website. The Panel is therefore satisfied that the Complainant showed that the Respondent used the disputed domain name in bad faith as meant in paragraph 4(b)(iv) of the Policy.

Consequently, based on the available record, the Panel finds that the Complainant has also 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 <expressvfs.com> be transferred to the Complainant.

/Alfred Meijboom/
Alfred Meijboom
Sole Panelist
Date: June 3, 2024