

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. John Odumosu, Myway
Case No. D2022-0300

1. The Parties

Complainant is Verisure Sàrl, Switzerland, represented by BrandIT GmbH, Switzerland.

Respondent is John Odumosu, Myway, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <verisure.app> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2022. On January 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 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 Complainant on February 1, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 4, 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 Respondent of the Complaint, and the proceedings commenced on February 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 28, 2022. Respondent did not submit any response except that on February 14, 2022 the Center received an email communication from Respondent proposing to transfer the disputed domain name to Complainant. Complainant did not reply to such proposal. Accordingly, the Center notified the Parties on March 2, 2022 that it would proceed to the panel appointment process.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on March 14, 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

Complainant, Verisure Sàrl, is a provider of professionally monitored security solutions including home alarms. Complainant owns and uses the mark VERISURE in connection with its goods and services. These include registrations for VERISURE in the United States of America (No. 79216255, registered on July 10, 2018), the European Union (No. 006674915, registered on March 26, 2010), and an International trademark registration (No. 1052667, registered on December 17, 2009) that has been extended to a number of jurisdictions around the world. Complainant also owns and uses the domain name <verisure.com> in connection with a website providing information concerning Complainant and its products and services.

Respondent is based in Nigeria. Respondent registered the disputed domain name on October 19, 2021. Shortly thereafter, the disputed domain name resolved to a webpage with a registration form for web users to complete. The web page featured a logo for “VeriSure by Fort Knox Checks” and requested personal information from web users. That same logo was also used at some point on a website at <fortknoxchecks.com/verisure/> to promote a secure and confidential background checking service under the name and mark VERISURE by FortKnox Checks.

Complainant sent a demand letter regarding the disputed domain name on November 25, 2021 to the Registrar and to an email address found by Complainant on a website for the alleged “FortKnox Checks” company at <fortknoxchecks.com>. On December 3, 2021, Complainant received a response from an individual on behalf of “Fortknox Verifications and Checks Services Limited” in Nigeria. The December 3, 2021 letter rejected Complainant’s assertions but indicated a willingness to sell the disputed domain name to Complainant “for a minimum sum of [USD] 20,000 (Twenty Thousand Dollars) only.” On January 24, 2022, Complainant received a further communication from an unidentified individual associated with <fortknoxchecks.com> inviting Complainant to open and read an attached zip file. Complainant did not open the zipped file as it appeared suspicious.

On or about January 28, 2022, the disputed domain name started to redirect to a website at “eaglehmo.com” which offered health care plans in Nigeria. The postal address used on the “eaglehmo.com” website was identical to the address used on the December 3, 2021 response letter sent from an individual acting on behalf of “Fortknox Verifications and Checks Services Limited”. Currently the disputed domain name does not resolve to an active website or page.

5. Parties’ Contentions

A. Complainant

Complainant asserts that it is the second largest alarm provider in the world and that its VERISURE name and mark enjoys a “high degree of renown around the world”.

Complainant maintains that the disputed domain name is identical to Complainant’s VERISURE mark as it fully consists of the VERISURE mark with the non-distinctive “.app” Top-Level Domain (“TLD”).

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name as Respondent (i) registered the disputed domain name many years after Complainant’s secured rights in the VERISURE mark, (ii) is not licensed or authorized by Complainant to use the VERISURE mark, (iii) is not commonly known by the disputed domain name and owns no registered trademarks that consist of VERISURE, (iv) has used the disputed domain name to redirect to websites that offered various goods and

services unrelated to Complainant for Respondent's profit, and (v) offered to sell the disputed domain name to Complainant for USD 20,000.

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith as it is inconceivable Respondent was not aware of the existence of Complainant when he registered the disputed domain name that takes advantage of the reputation of Complainant's VERISURE mark. Complainant also argues that Respondent has used the disputed domain name by using such to redirect to websites offering services unrelated to Complainant for Respondent's benefit and by offering the disputed domain name for sale to Complainant for USD 20,000. Lastly, Complainant asserts that Respondent acted in bad faith by sending Complainant a zipped file that likely would deliver malware.

B. Respondent

Respondent did not reply to Complainant's contentions. On February 14, 2022, however, Respondent sent the Center an email in which Respondent proposed to transfer the disputed domain name to Complainant.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Complainant has provided evidence that it owns trademark registrations for the VERISURE mark and that such issued to registration years before Respondent registered the disputed domain name.

With Complainant's rights in the VERISURE mark established, the remaining question under the first element of the Policy is whether the disputed domain name (typically disregarding the TLD, such as ".app") is identical or confusingly similar with Complainant's mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). The threshold for satisfying this first element is low and generally UDRP panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this standing requirement.

In the instant proceeding, the disputed domain name is identical to Complainant's VERISURE mark as it fully and solely consists of the VERISURE mark. The Panel therefore finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant's VERISURE mark and in showing that the disputed domain name is identical to that trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing

rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP. Here, Respondent has used the disputed domain name with a registration page seeking personal information from web users and which featured the logo “VeriSure by FortKnox Checks.” Respondent later used the disputed domain as a redirect to a website at <eaglehmo.com> which purports to offer health care plans in Nigeria. Respondent has also used the logo “VeriSure by FortKnox Checks” on a web page at <fortknoxchecks.com/verisure> to promote an online verification portal for cost-effective background checks under the name and mark “VERISURE by FortKnox Checks.”

Given that Complainant provides security solutions and that its VERISURE mark is associated with alarms and security services, it does seem questionable that Respondent chose to use the VERISURE mark for purposes of promoting a secure and confidential background checking service by “FortKnox Checks” or for a registration page seeking personal information for “VeriSure by Fort Knox Checks.” Indeed, in responding to Complainant’s November 25, 2021 letter, Respondent claimed that “VERISURE is registered according to the extant laws of the Federal Republic of Nigeria.” Respondent, however, provided no evidence in support of that claim and Complainant maintains that it could not find any claimed registration for VERISURE in Nigeria. Notably, Respondent subsequently started to redirect the disputed domain name to a website promoting a healthcare service in Nigeria under a name unrelated to VERISURE, thereby further making suspect any claim by Respondent that it owns rights in VERISURE in Nigeria.

As Respondent has provided no evidence to support its claimed rights in VERISURE in Nigeria, has chosen not to contest Complainant’s contentions in this proceeding, and has, in fact, advised that it wants to transfer the disputed domain name to Complainant, it seems more likely than not that Respondent has no rights or legitimate interests in the disputed domain name. It thus appears fairly obvious that Respondent registered the disputed domain name that copies Complainant’s exact VERISURE mark and name as a way to drive web traffic to Respondent’s websites for Respondent’s profit. Such use of the disputed domain name does not amount to a *bone fide* or legitimate fair use, or provide Respondent with rights or legitimate interests in the disputed domain name. See [WIPO Overview 3.0](#) at section 2.5.3. This is particularly so, where, as here, the disputed domain name is identical to the Complainant’s VERISURE mark and is likely to be seen by consumers as affiliated or connected to Complainant or to a website of Complainant. See [WIPO Overview 3.0](#) at section 2.5.1.

Given that Complainant has established with sufficient evidence that it owns rights in the VERISURE mark, and given Respondent’s above noted actions and failure to rebut Complainant’s *prima facie* case, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of paragraph 4(c) of the Policy are evident in this case.

C. Registered and Used in Bad Faith

In this matter, Respondent has registered and used the disputed domain name that copies Complainant’s VERISURE mark, a mark that is used for security products and services, and used such with a web page requesting personal information from Internet users and then a website promoting a healthcare service in Nigeria. Respondent has also sought to sell the disputed domain name to Complainant for USD 20,000. Given that the disputed domain name fully and solely consists of the VERISURE name and mark, it is likely that the public upon seeing the disputed domain name are likely to associate it with Complainant and its products and services, when such is not the case. Given Respondent’s actions and failure to respond to any of Complainant’s contentions and evidence, it appears from the evidence before the Panel that Respondent was likely aware of Complainant and its VERISURE mark and proceeded to register and use the disputed domain name for purposes of attracting web users to Respondent’s website or to sell such for profit.

In addition, as Respondent has sent the Center an email proposing to transfer the disputed domain name to Complainant well before his deadline to submit a response, there can be no doubt that Respondent was aware of this proceeding. Thus, the failure of Respondent to provide a substantive response in this matter to defend or explain his actions creates a further inference that Respondent’s actions were undertaken in bad faith in order to take advantage of Complainant’s VERISURE mark for the profit of Respondent. Simply put, the evidence before the Panel, none of which is contested by Respondent, makes it more likely than not that

Respondent opportunistically registered and used the disputed domain name to intentionally and misleadingly attract Internet users to Respondent's website(s) for Respondent's own profit. See [WIPO Overview 3.0](#) at section 3.1.4 (and cases cited therein).

Accordingly, the Panel finds that Complainant succeeds under this 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 <verisure.app> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: March 31, 2022