

ADMINISTRATIVE PANEL DECISION

VFS Global Services PLC v. Joseph Maduabuchi
Case No. D2022-4431

1. The Parties

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

The Respondent is Joseph Maduabuchi, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <vfs helpline.org> is registered with Gandi SAS (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2022. On November 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 21, 2022, the Registrar 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 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 November 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2022. The Center received an email communication on December 3, 2022, from the representative of the Billing contact of the disputed domain name listed by the Registrar, requesting a copy of the Complaint and to be included in all correspondence. The Respondent did not submit any response. Accordingly, the Center notified the parties of the Commencement of Panel Appointment Process on December 20, 2022.

The Center appointed Knud Wallberg as the sole panelist in this matter on January 3, 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 an Indian company that since 2001 has provided 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 successfully processed more than 248 million applications since 2001 and operates 3,395 Visa application centers around the globe.

The Complainant is the owner of trademarks in various jurisdictions consisting of the letters VFS, VFS GLOBAL, and variations of these marks, including VFS GLOBAL, Indian Trademark Registration No. 1126304, registered on August 14, 2002, and a number of Nigerian registrations for the VFS GLOBAL device mark for goods and services in classes 9, 16, 35, 38, 39 and 42 all registered in 2015.

The Complainant is also the registrant of a number of domain names that includes the VFS trademark including the domain name that is used for the Complainant's corporate website at "www.vfsblobal.com" but also the domain name <vfshelpline.com>

The disputed domain name was registered on August 8, 2022. The disputed domain name does not resolve to an active website, but has been used as an e-mail address as part of an attempted fraud scheme.

5. Parties' Contentions

A. Complainant

The Complainant submits that the disputed domain name is confusingly similar to its registered trademarks VFS and VFS GLOBAL since the essential, influential and most dominant part of the disputed domain name is "VFS". Furthermore, the disputed domain name is identical to the Complainant's domain name <vfshelpline.com>.

The Complainant further submits that the Respondent has no right or legitimate interest in respect of the disputed domain name. The Complainant has not granted the Respondent any right, license, authorization, or consent to use its trademark VFS or any variation thereof in India or elsewhere. Also, "VFS", which is the predominant, essential, and relevant component of the disputed domain name, does not in any way reflect the Respondent's name, nor does the Respondent, to the best of the Complainant's knowledge own any trademark registrations reflecting "VFS" or has acquired any reputation or goodwill to the term "VFS".

The Complainant finally submits that the disputed domain name is registered and being used in bad faith. In light of its extensive worldwide reputation on the Complainant's trademarks VFS and VFSGlobal the Respondent must have known about the Complainant's rights to these marks and to the Complainant's services at the time of registering the disputed domain name. Furthermore, the Respondent has used the disputed domain name as an email address – [...]@vfshelpline.org - and has used this e-mail address to send e-mails to third parties in which the Respondent has misrepresented itself as being an authorized service provider or otherwise being associated with the Complainant and in which the Respondent requested the recipients to transfer a so called "VFS Registration Fee" to a specified bank account. Such use clearly constitutes bad faith use.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

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

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar (in the sense of the Policy) to the Complainant's VFS trademark, since the disputed domain name contains the mark VFS in its entirety together with the term "helpline", which does not prevent a finding of confusing similarity. See Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The generic Top-Level Domain ("gTLD") ".org" is a standard registration requirement and as such is generally disregarded under the first element confusing similarity test. See Section 1.11.1 of the [WIPO Overview 3.0](#).

The Panel finds that the conditions in paragraph 4(a)(i) of the Policy are therefore fulfilled in relation to the disputed domain name.

B. Rights or Legitimate Interests

It is obvious from the Complaint, that the Complainants have not licensed or otherwise permitted the Respondent to use the trademark VFS.

Further, given the circumstances of this case, the Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not rebutted this, and the way the Respondent has used the disputed domain name (see above in section 5.A) effectively excludes any possible finding of rights or legitimate interests. See section 2.13 of the [WIPO Overview 3.0](#).

Consequently, the Panel finds that the conditions in paragraph 4(a)(ii) of the Policy are also fulfilled.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove both registration and use of the disputed domain name in bad faith. Paragraph 4(b) of the Policy provides examples of circumstances which shall be evidence of registration and use in bad faith:

- (i) circumstances indicating that the holder has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the holder's documented out-of-pocket costs directly related to the domain name; or
- (ii) the holder has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the holder has engaged in a pattern of such conduct; or
- (iii) the holder has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's 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 holder's website or location or of a product or service on the holder's website or location.

Accordingly, for the Complainant to succeed, the Panel must be satisfied that the disputed domain name has been registered and is being used in bad faith.

Given the circumstances of the case, in particular the way the disputed domain name has been used, it is obvious to the Panel in the current circumstances that the Respondent registered the disputed domain name in bad faith.

It is equally obvious to the Panel that the Respondent uses the disputed domain name as part of a blatant attempt to deceive customers of the Complainant by creating a likelihood of confusion with the Complainant and with the Complainants' mark as to the source of the Respondent's activities. This constitutes bad faith use under the Policy, see section 3.4 of the [WIPO Overview 3.0](#).

The Panel therefore finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

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, <vfshelpline.org> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: January 17, 2023