

## ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. cai yan you, yi wu shi yu ming dian zi shang wu shang hang  
Case No. D2023-4407

### 1. The Parties

The Complainant is Verisure Sàrl, Switzerland, represented by AWA Sweden AB, Sweden.

The Respondent is cai yan you, yi wu shi yu ming dian zi shang wu shang hang, China.

### 2. The Domain Name and Registrar

The disputed domain name <verisureguardian.com> is registered with PSI-USA, Inc. dba Domain Robot (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2023. On October 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 25, 2023, 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 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 5, 2023.

The Center appointed Zoltán Takács as the sole panelist in this matter on December 13, 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 among the leading providers of professionally monitored security solutions and alarm systems in the world.

With over 35 years of experience and more than 25,000 employees the Complainant protects more than 5 million families and small businesses across 17 countries in Europe and Latin America

The Complainant is owner of several trademark registrations around the world consisting of or comprising VERISURE, including the European Union Trademark Registration No. 018230237 for the word mark VERISURE GUARDIAN registered since August 25, 2000, for various goods and services related to protection of property and individuals.

The Complainant's primary international website is located at "www.verisure.com". The corresponding domain name <verisure.com> was registered on November 5, 1998.

The disputed domain name was registered on June 12, 2023, and has been used to resolve to the "www.dan.com" website where it has been offered for sale for USD 3,999.

#### **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, which fully incorporates its VERISURE GUARDIAN trademark is identical to it;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the Respondent has registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring it for the price exceeding the costs related to the disputed domain name, which is evidence of bad faith registration and use.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 domain name; and
- (iii) the 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.

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 disputed domain name.

The applicable generic Top-Level Domain ("gTLD") in the disputed domain name (in this case ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and section 1.11.1.

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.

The Respondent's use of the disputed domain name to offer it for sale does not represent a *bona fide* offering of goods and services and as such cannot confer rights or legitimate interests on the Respondent.

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 also notes that the Respondent replicated the Complainant's distinctive VERISURE GUARDIAN trademark in the disputed domain name.

The Respondent failed to respond to the Complainant's cease-and-desist letter and subsequently to the Complaint and present a credible evidence-backed rationale for registering the disputed domain name.

In the Panel's view it is highly unlikely that the registered the disputed domain name without having in mind the Complainant's prior trademark and without intent target the Complainant and its trademark.

In consideration of these circumstances the Panel finds that the Respondent's listing of the disputed domain name for a price in excess of any out-of-pocket expenses that the Respondent could reasonably have incurred in acquiring the disputed domain name (absent any evidence from the Respondent to the contrary) amounts to bad faith registration and use. Paragraph 4(b)(i) of the Policy and [WIPO Overview 3.0](#), section 3.1.1.

Based on the available record, 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 <verisureguardian.com> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: December 27, 2023