

ADMINISTRATIVE PANEL DECISION

Bureau Veritas v. Karen Weber

Case No. D2024-0396

1. The Parties

The Complainant is Bureau Veritas, France, represented by Dennemeyer & Associates S.A., France.

The Respondent is Karen Weber, Germany.

2. The Domain Name and Registrar

The disputed domain name <bureeaveritas.net> 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 January 29, 2024. On January 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 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 (Unknown (Redacted for Privacy)) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 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 January 31, 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 February 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 27, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on March 5, 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 was founded in 1828 and is a world leader in testing, inspection, and certification (TICS) services with several subsidiaries. The Complainant's Group employs over 82,000 people in more than 1,600 offices and laboratories worldwide. The Complainant helps its clients improve their performance by offering services and innovative solutions to ensure that their assets, products, infrastructures, and processes meet standards and regulations in respect of quality, health and safety, environmental protection and social responsibility.

The Complainant owns a large number of registrations of the trademark BUREAU VERITAS throughout the world, including the European Union trademark no. 004518544 BUREAU VERITAS registered on June 1, 2006, and renewed on May 20, 2015, for services in classes 38 and 42 and European Union trademark No. 005927711 BUREAU VERITAS 1828 (figurative) registered on February 6, 2008, and renewed on April 24, 2017, for services in class 42.

The Complainant also owns a large number of domain names that contains the BUREAU VERITAS mark including <bureauveritas.com>.

The disputed domain name was registered on January 8, 2024, and redirects to one of the Complainant's official websites.

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 "bureeauveritas.net" is confusingly similar to the Complainant's trademarks since it reproduces the dominant verbal elements "BUREAU" and "VERITAS" that constitute the Complainant's trademark with the addition of a letter "e" to the word "bureau" which is ineffective in differentiating the disputed domain name to the Complainant's trademarks.

The Complainant further contends that the Respondent has never been authorized by the Complainant to register a domain name similar to its trademark registrations, nor has the Respondent any rights or legitimate interests in respect of the disputed domain name.

The Complainant finally contends that since the disputed domain name <bureeauveritas.net> redirects to one of the Complainant's official websites "www.cps-bureauveritas.com", this could mislead the public who may think that the disputed domain name is legitimate and is registered by the Complainant or an authorized person. The Respondent is therefore making unlawful and unfair use of the domain name with the intention of diverting customers by creating confusion about the origin of the services and thus tarnishing the Complainant's aforementioned trademarks and damaging the Complainant's image and reputation.

B. Respondent

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

6. Discussion and Findings

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 trademark 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, the only difference being the addition of a letter "e". 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. Moreover, the typosquatting nature of the disputed domain name is inherently misleading, which composition cannot constitute fair use since it effectively impersonates the Complainant.

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

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.

Given the circumstances of the case, including the evidence on record of the use of the Complainant's BUREAU VERITAS mark, and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's mark. Further, the Panel finds that the Respondent could not have been unaware of the fact that it chose a domain name, which based on its composition could attract Internet users in a manner that is likely to create confusion for such users. As it is stated in section 3.1.4 of the [WIPO Overview, 3.0](#), panels have consistently found that the mere registration of a domain name that is

identical or confusingly similar - including in particular domain names comprising typos - to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

The Panel therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name is used actively since it redirects to one of the Complainant's official websites. The Panel finds that such use is clearly bad faith use under the Policy since it is able to mislead the public into believing that the disputed domain name is registered and used by the Complainant. Also, the Respondent's control of the disputed domain name's redirection also represents an implied ongoing threat to the Complainant, seeing as the Respondent may always opt to use the typosquatting disputed domain name for further nefarious purposes.

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 <bureeauveritas.net> be transferred to the Complainant.

/KNUD WALLBERG/
KNUD WALLBERG
Sole Panelist
Date: March 27, 2024