

## **ADMINISTRATIVE PANEL DECISION**

**VEON Amsterdam B.V. v. Md Arif Hossain, eMedia Bangladesh Ltd.**  
**Case No. D2024-0562**

### **1. The Parties**

The Complainant is VEON Amsterdam B.V., Netherlands (Kingdom of the), represented by NLO Shieldmark B.V., Netherlands (Kingdom of the).

The Respondent is Md Arif Hossain, eMedia Bangladesh Ltd., Bangladesh.

### **2. The Domain Name and Registrar**

The disputed domain name <veon.group> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2024. On February 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 8, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On the same day, the Center sent another email communication to the Complainant regarding the Mutual Jurisdiction. The Complainant filed an amended Complaint on February 15, 2024, and confirmed its choice of the Mutual Jurisdiction on February 16, 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 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2024. The Respondent sent email communications to the Center between February 12 and March 27, 2024.

Upon the Complainant's request dated March 7, 2024, the Center notified the Parties and the Registrar on March 8, 2024, that the proceedings were suspended until April 7, 2024. The Parties could not reach the settlement. On April 19, 2024, the Center confirmed that the proceedings had been reinstated and it would proceed with panel appointment.

The Center appointed Steven A. Maier as the sole panelist in this matter on April 24, 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.

The Complainant requests a ruling that the language of the proceedings be English. Since the language of the relevant Registration Agreement for the disputed domain name is English, the language of the proceedings shall be English in any event (see paragraph 11(a) of the Rules) and no such ruling is required.

#### **4. Factual Background**

The Complainant is a company registered and headquartered in the Netherlands (Kingdom of the). It is an international provider of telecommunications services including mobile networks.

The Complainant is the owner of numerous registrations for the trademark VEON in various jurisdictions around the world. Such registrations include, for example:

- European Union trademark registration number 015793524 for the word mark VEON, registered on January 2, 2017, in International Class 45; and
- Pakistan trademark registration number 438187 for the word mark VEON, registered on November 23, 2016, in International Class 9.

The Complainant operates a principal website at "www.veon.com".

The disputed domain name was registered on December 25, 2023.

The Complainant exhibits evidence that, on January 19, 2024, the disputed domain name resolved to a webpage bearing a logo "VEON GROUP" and the wording "IT SERVICE PROVIDER". The webpage also displayed the wording "Cybersecurity Website Care & Maintenance eMedia.Agency" along with some information concerning trademarks and domain names, stating that "trademark rights and domain name ownership overlap in many ways, but they are not the same. Domain name ownership does not necessarily establish trademark rights, and trademark ownership does not necessarily give you the right to own the corresponding domain name", followed by the apparent source of such information, and a disclaimer indicating that the company only manages the disputed domain name and is not responsible for domain names in other Top-Level Domains.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that it is a subsidiary of the VEON Ltd group of companies, which is a NASDAQ-listed provider of connectivity and Internet services. It states that it operates predominantly in Asia, Africa and Europe and is the world's ninth-largest mobile network operator, with 210 million customers. The Complainant operates a principal website at "www.veon.com", and has numerous domain name registrations including <veon.fr>, <veon.com.uk>, <veon.com.us>, <veon.com.pk>, <veon.com.bd>, <veongroup.com> among others.

The Complainant provides links to further information about its corporate profile and operations. Such information includes its operations in Bangladesh, where it trades as “Banglalink”, with a claimed 37 million customers and 1,200 employees. The Complainant contends that it has a significant reputation in that country.

The Complainant submits that the disputed domain name is identical and confusingly similar to its VEON trademark, and that the generic Top-Level Domain (“gTLD”) “.group” is irrelevant to the necessary comparison.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent has no prior trademark rights in that name, has not commonly been known by the disputed domain name, and is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name. The Complainant submits that VEON is an invented name and trademark which the Complainant launched and developed, and that the Respondent is using the disputed domain name to target that trademark.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that, the Respondent being resident in Bangladesh, it must have been aware of the Complainant’s VEON trademark when it registered the disputed domain name. The Complainant contends that registering a domain name that is identical to a well-known trademark is of itself an indication of bad faith.

The Complainant submits that the Respondent has made no use of the disputed domain name other than for the purpose of the webpage described above, and that it registered the disputed domain name to prevent the Complainant from doing so and/or for the purpose of selling the disputed domain name to the Complainant for valuable consideration in excess of its relevant costs associated with the disputed domain name.

The Complainant submits that the use of the disputed domain name, within the telecoms sector in particular, is liable to cause customer confusion and also gives rise to a risk of fraud.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent submits that the Complainant is not the only company named “Veon” and provides examples of other such entities, including but not limited to the following:

- Veon Ltd., with the domain name <veon.ie>, a company located in Dublin, Ireland, which operates in the forestry and ecology sector;
- VEON GmbH, with the domain name <veon.ch>, a company located in Zurich, Switzerland, which is an Internet service provider;
- Veon Consulting Pvt Ltd, with the domain name <veon.in>, a company located in India;
- Veon Travel Ltd, a company located in the United Kingdom; and
- Veon Luxembourg Finance Holdings Sàrl, a company located in Luxembourg.

The Respondent contends that the term “veon” is therefore in widespread use in commerce by multiple entities and that the name does not belong exclusively to the Complainant. Therefore, the disputed domain name does not infringe upon any exclusive trademark rights held by the Complainant.

The Respondent provides search results for the VEON trademark apparently owned by third parties.

The Respondent also cites a number of domain names including the term “veon” that are currently being offered for sale, including <veon.de>, <veon.org>, <veon.co>, <veon.net> and others.

The Respondent submits that the Complainant appears, therefore, to have no issues with numerous users of the “veon” name other than the Respondent. The Respondent submits that its Mr. Hossain should not be singled out because of his Bangladeshi nationality, and states that he is also German and a certified cybersecurity and software expert, having operated in that capacity since 1999. His company, eMedia, registered since 2005 is a member of both Bangladeshi and German chambers and commerce. The Respondent states that he offers IT-based services via the disputed domain name which do not conflict with the Complainant’s mobile or telecoms services.

The Respondent submits that it registered the disputed domain name in good faith, for legitimate commercial purposes consistent with its business operations, and without any intent to disrupt the Complainant’s business.

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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**

The Complainant has established that it is the owner of registered trademark rights for the mark VEON. The disputed domain name is identical to that trademark, disregarding the gTLD “.group” which may be ignored for the purpose of the relevant comparison. The Panel therefore finds that disputed domain name is identical to a trademark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Respondent submits that it registered the disputed domain name in order to utilize the term “veon”, which is a name in common use by multiple entities in commerce, and not to target the Complainant’s trademark.

As noted in section 2.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”):

“Panels have recognized that merely registering a domain name comprised of a dictionary word or phrase does not by itself automatically confer rights or legitimate interests on the respondent; panels have held that mere arguments that a domain name corresponds to a dictionary term/phrase will not necessarily suffice. In order to find rights or legitimate interests in a domain name based on its dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the relied-upon dictionary meaning and not to trade off third-party trademark rights.”

In this case, however, the name “veon” is not a dictionary word or phrase. Furthermore, the fact that the name may be used by entities other than the Complainant does not determine the key question of whether the Respondent has rights or legitimate interests in the disputed domain name.

Furthermore, while the Respondent submits that the Complainant is not the only user of the “veon” name, it provides no reason for its own choice of the disputed domain name, nor any analysis of the term “veon” that might explain its selection of it. The Panel also notes that the Respondent appears to trade in Bangladesh as eMedia Bangladesh Ltd. and in Germany as eMedia Germany e.K. Further, as mentioned under section 4, the website at the disputed domain name simply displays, among others, the statements “VEON GROUP”, “IT SERVICE PROVIDER”, and “Cybersecurity Website Care & Maintenance eMedia.Agency”, with limited content, and displaying a contact form. In this regard, the Panel notes that the Complainant appears to be part of a larger group of companies, providing telecommunications services.

In the circumstances, there is nothing before the Panel to indicate that the Respondent uses, or intends to use, the disputed domain name for any legitimate purpose under the Policy.

The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### **C. Registered and Used in Bad Faith**

The Panel finds the Complainant’s trademark VEON to be distinctive and to have become widely associated with the Complainant and its telecoms services in various regions of the world, including Bangladesh, being the location of the Respondent’s address provided for the contact details of the disputed domain name.

The question for the Panel in connection with the third element under the Policy is whether or not the Respondent registered and has used the disputed domain name for the purpose of targeting the Complainant’s VEON trademark. The fact that there may be other entities using the name “Veon” in commerce is not determinative of this matter, and it remains a question of fact whether the Respondent registered the disputed domain name in order to take unfair advantage of the Complainant’s trademark or otherwise.

As observed above, the Respondent has made no positive case for its selection of the disputed domain name. Furthermore, while the name “Veon” may be in use by parties other than the Complainant, a simple Google search against the term “Veon” returns results which refer overwhelmingly to the Complainant, suggesting that such commercial reputation and goodwill as resides in that name is largely attributable to the Complainant. The Complainant has moreover established that it has significant business operations in regions of the world including Bangladesh. In this regard, while the Respondent points out that the Parties are not operating in the same business field, the Panel finds that both type of services are closely related, and does not accept on balance that the Respondent would not have been aware of the Complainant and its services.

In all the circumstances of the case, the Panel infers on the balance of probabilities that the Respondent registered the disputed domain name in the knowledge of the Complainant’s VEON trademark and with the intention of taking unfair commercial advantage of that trademark. The Respondent’s registration and use of the disputed domain name is likely to confuse Internet users into believing that it must be owned or operated by, or otherwise affiliated with, the Complainant, and the Panel finds that the Respondent most likely registered the disputed domain name to take an unfair advantage due to its identity with the Complainant’s trademark or with the intention of selling it to the Complainant.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

## 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 <veon.group> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: May 8, 2024