

ADMINISTRATIVE PANEL DECISION

Bureau Veritas v. Adriaan Johan Nigrini

Case No. D2024-0788

1. The Parties

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

The Respondent is Adriaan Johan Nigrini, South Africa.

2. The Domain Name and Registrar

The disputed domain name <bureauveritas.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2024. On February 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 February 26, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 19, 2024.

The Center appointed Charles Gielen as the sole panelist in this matter on March 25, 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 is a world leader in testing, inspection and certification services (also known as: TICS) and has several subsidiaries. The company employs over 82,000 people in more than 1,600 offices and laboratories worldwide. The aim of the company is to help 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 holds a portfolio of registrations for trade marks, consisting in the words BUREAU VERITAS (in whole or with a figurative element and 1828) in several countries and regions in the world, including European Union Trade Mark No. 004518544 registered on June 1, 2006 for services in classes 38 and 42.

Since many years the Complainant and affiliated companies operate under domain names consisting of the term “bureauveritas”, for example <bureauveritas.com>.

The disputed domain name was registered on January 30, 2024, and resolves to an inactive website. The Complainant has provided evidence demonstrating that the Respondent has used the disputed domain name for sending email communications impersonating employees of the Complainant purportedly aiming at canvassing its customers for money.

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 is confusingly similar to the trade mark BUREAU VERITAS in that it only differs by the inversion of the letters “e” and “v” which has no effect on the reproduction of the trade mark BUREAU VERITAS, since it does not affect the visual and phonetic similarities or the public's perception of it. The Complainant argues that the terms “bureau” and “veritas” in its domain names are always written as one word without spaces between both terms, just as is the case with the two almost identical terms “bureau” and “evritas” in the disputed domain name. This increases the risk of confusion.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not an employee of the Complainant and not linked to the Complainant in any way whatsoever. Also, the Respondent has never been authorized by the Complainant to register a domain name that is similar to its trade mark.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. The Complainant argues that the intention of the Respondent is to divert customers by creating confusion about the origin of the services and thus tarnishing the Complainant's trade mark and damaging the Complainant's image and reputation. The bad faith intentions are proven by the fact that the Respondent is sending emails using the disputed domain name impersonating some of the Complainant's employees in order to canvass its customers for money. Also, the recipients of such emails will be confused by the fact that in these emails, the figurative trade marks of the Complainant are being used as well as the Complainant's usual signature block.

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the mark is recognizable within the disputed domain name. The only difference is that the letters "e" and "v" in the term "veritas" are reversed which has no effect on the overall similarity between the trade mark BUREAU VERITAS and the disputed domain name <bureauveritas>. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9. The disputed domain name is a clear example of typo squatting.

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 that 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.

Panels have held that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. In this case, the illegal activity consists of the use of the disputed domain name to send out false emails impersonating employees of the Complainant.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In this case, the illegal activity consists of the use of the disputed domain to send out false emails impersonating employees of the Complainant in order to canvass its customers for money. The Panel is of the opinion that the recipients of such emails will be confused by the fact that in these emails, the figurative trade marks of the Complainant are being used as well as the Complainant's usual signature block. On this basis, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <bureauevritas.com> be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: April 8, 2024