

ADMINISTRATIVE PANEL DECISION

Veolia Environnement SA v. Gregg Pelka
Case No. D2024-1563

1. The Parties

The Complainant is Veolia Environnement SA, France, internally represented.

The Respondent is Gregg Pelka, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <veollawatertech.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 12, 2024. On April 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 15, 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 April 17, 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 April 17, 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 April 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 15, 2024.

The Center appointed Geert Glas as the sole panelist in this matter on May 23, 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 the holding company of Veolia group, a 170-year old group with three core businesses: Water, Waste, and Energy. The Complainant's water business supplies over 100 million people with drink water and manages over 7.000 water production and wastewater treatment plants.

With 218.000 employees worldwide, the Complainant aims to be a benchmark company for ecological transformation by designing and developing innovative technologies and solutions that are useful and practical for water, waste, and energy management.

The Complainant owns a large number of national and international trademark registrations which consist of or contain the word "Veolia" and cover an extensive range of goods and services. These trademark registrations include:

- International word trademark VEOLIA No. 814678 with a priority date of March 27, 2003, registered on September 11, 2003;
- International word trademark VEOLIA No. 0910325, registered on March 10, 2006;
- United States word trademark VEOLIA No. 5603792, registered on November 13, 2018.

In addition, the Complainant operates, among others, the following domain names:

<veolia.com> registered on December 30, 2002;
<veoliawatertech.com> registered on May 5, 2014.

It cannot be disputed that as a result of the abovementioned activities, the VEOLIA mark enjoys a strong reputation and is well known on a global basis, especially in the water, waste, and energy industries (see *Veolia Environnement S.A. v. Hartford Vehicle*, WIPO Case No. [D2021-3821](#), and *Veolia Environnement S.A. v. Mark Scotto Di Perta*, WIPO Case No. [DAU2023-0051](#)).

In March 2024, the disputed domain name was used in a phishing scam in which the email address [...]@veollawatertech.com was used by the Respondent to pass itself off as staff member of Veolia Water Technologies, an actual subsidiary of the Complainant. A fake data analyst internship position at this "Veolia Water Technologies" was thereby offered to an individual who was also sent a fraudulent check to be deposited into his bank account.

The Complainant sent a cease-and-desist letter to the Respondent and to the Registrar. No reply was received from Respondent, but the Registrar did suspend the disputed domain name.

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 contains the word "veolla" which is visually and phonetically very similar to its well-known VEOLIA trademark. In addition, the word "veolla" is followed by "watertech" which is a reference to the Complainant's subsidiary Veolia Water Technologies and increases the likelihood of confusion.

The Complainant also contends that the Respondent is not in any way affiliated with the Complainant nor authorized or licensed to use the VEOLIA trademark and that it is unlikely that the Respondent is commonly known by the disputed domain name.

In view of the similarity between the disputed domain name and the Complainant's well-known VEOLIA trademark, the Complainant is of the opinion that the Complainant cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name. The fact that the Respondent used the disputed domain name in a phishing attempt would prove this lack of any legitimate interests.

The Complainant also contends that as the disputed domain name is confusingly similar to the Complainant's well-known VEOLIA mark, and it is implausible that the Respondent was unaware of the Complainant whose identity could have been revealed by a simple search. The fact that the disputed domain name was used by the Respondent in a phishing attempt offering an internship in its "Veolia Water Technology" business further supports a finding of registration in bad faith.

The Complainant finally contends that the disputed domain name has been used in bad faith as it was used in the above phishing attempt. The Complainant also points out that the disputed domain name is otherwise inactive as it does not direct to any web page.

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 Panel finds that the Complainant's VEOLIA mark is recognizable within the disputed domain name. 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.

Although the addition of the terms "water" and "tech" may bear on assessment of the second and third elements, the Panel finds the addition of such terms in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

There is indeed no evidence whatsoever of the Respondent being permitted to use the disputed domain name, of the Respondent using the disputed domain name (or having demonstrable plans for such use) in the framework of a bona fide offering, of the Respondent being commonly known by the disputed domain name, or of the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

To the contrary, as in March 2024 the email address [...]@veollawatertech.com was used in a phishing scam by an alleged staff member of "Veolia Water Technologies". A fake data analyst internship was thereby offered to an individual who was also sent a fraudulent check to be deposited into his bank account.

Panels have indeed held that the use of a domain name for illegal activity such as phishing can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

As to the registration of the disputed domain name, it should be noted that panels have consistently found that the mere registration of a domain name which is confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

This is clearly the case here, as VEOLIA had become a widely known trademark by the time the disputed domain name was registered. As a result, the Respondent knew or should have known that its registration of the disputed domain name would be confusingly similar to the Complainant's mark. It should be noted that that in the present case this knowledge can also be deduced from the fact that the Respondent intentionally misspelt the Complainant's trademark and opted to insert the terms "water" and "tech" in the disputed domain name as both terms are highly descriptive of the activities of the Complainant. The presence of these terms seems to show the intention of the Respondent, already when registering the disputed domain name, to create a likelihood of confusion with the Complainant and its VEOLIA mark.

The fact that the Respondent afterwards used the disputed domain name in a scam email offering a data analyst internship position at "Veolia Water Technologies" corroborates this finding and indicates that the Respondent must have had this fraudulent use in mind when registering the disputed domain name. Based on the available record, the Panel finds that the disputed domain name has been registered in bad faith.

According to paragraph 4(b)(iv) of the Policy, the following circumstance, if found to be present, shall constitute evidence of the use of a domain name in bad faith : "by using the domain name you have intentionally attempted to attract, for commercial gain, Internet users to your website or other location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of its website or location or a product or service on your website or location."

In the present case, the use of the disputed domain name in a scam email offering a data analyst internship position at “Veolia Water Technologies” followed by the issuing of a fraudulent check which this “intern” was requested to deposit in his bank account indicates that the Respondent has intentionally attempted to use the disputed domain name to create a likelihood of confusion with the Complainant’s VEOLIA mark. Clearly, this intern will have paid more attention to the subject matter of the email which reads “Confirmation of Data Analyst Internship position at Veolia Water Technologies” than to the exact spelling of the email address of the sender which reads []@veollawatertech.com. Or, in other words, the intern is not likely to have noticed, and was not meant to notice the substitution of the letter “i” in VEOLIA by a second letter “l” in the disputed domain name.

Panels have rightly held that the use of a domain name for illegal activity such as phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

As a result, and based on the available record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy and that the third element of the Policy has been established.

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 <veollawatertech.com> be transferred to the Complainant.

/Geert Glas/

Geert Glas

Sole Panelist

Date: June 6, 2024