

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. Audrey NEDJAR
Case No. D2024-1642

1. The Parties

The Complainant is Verisure Sàrl, Switzerland, represented by Abion GmbH, Switzerland.

The Respondent is Audrey NEDJAR, France.

2. The Domain Name and Registrar

The disputed domain name <verisure.ink> 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 18, 2024. On April 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 19, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 23, 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 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 April 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 24, 2023.

The Center appointed Mladen Vukmir as the sole panelist in this matter on May 31, 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 Swiss company active since 1988, and is leading provider of professionally monitored security solutions in the world.

The Complainant is the owner of several registered VERISURE trademarks (“VERISURE trademarks”) in various jurisdictions, such as: VERISURE registered in United States of America on December 8, 2020, under the registration number 6214577; VERISURE registered in European Union on March 26, 2010, under the registration number 006674915; VERISURE registered in United Kingdom on September 20, 2011 under the registration number UK00801052667.

The Complainant holds numerous domain names containing VERISURE trademarks, such as: <verisure.com>, <verisure.co.uk>, <verisure.eu>, <verisure.net> etc. The Complainant uses its domain name <verisure.com> to resolve to its official website through which it informs Internet users and potential customers about its VERISURE trademark and its products and services.

The disputed domain name was registered on February 18, 2024, and it has been used for sending phishing email impersonating the Complainant. The disputed domain name resolves to an inactive website.

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:

(i) The Complainant is the leading European provider of professionally monitored security solution, and the second largest home alarm provider in the world. The Complainant serves over 5.1 million customers in 17 countries, employs more than 28,000 people worldwide, and maintain a strong online presence through its official websites and social media accounts. Due to extensive use, advertising and revenue associated with the Complainant’s VERISURE trademark worldwide, the Complainant enjoys a high degree of renown around the world.

(ii) The disputed domain name is identical to the Complainant’s VERISURE trademark, while the disputed domain name incorporates the Complainant’s VERISURE trademark entirely.

(iii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or authorized the Respondent to use the Complainant’s VERISURE trademark. The Respondent is not affiliated to the Complainant. The Complainant did not authorize the Respondent to register or use the disputed domain name incorporating the VERISURE trademark nor has the Complainant endorsed or sponsored the Respondent. There is no evidence that the Respondent is commonly known by the disputed domain name or owns any registered trademark including words “verisure.ink”. A Google search for “verisure.ink” directs to the Complainant’s business. The Respondent uses a privacy shield to mask its identity and has sent a phishing email posing as the Complainant, constituting fraudulent activity. The domain’s Mail exchange (“MX”) function is still active, posing further risks, and the disputed domain name does not resolve to an active website nor is used for legitimate purposes.

(iv) The Respondent registered and is using the domain name in bad faith. The Complainant’s VERISURE trademarks predate the disputed domain name’s creation. Given the Complainant’s strong online presence, the Respondent would have inevitably learnt about the Complainant, its trademark and business if conducted a simple online search regarding the disputed domain name. The Respondent was aware of the Complainant when registering the disputed domain name. The disputed domain name is passively held with

no evidence of any good-faith use. The notoriety of the VERISURE trademark and its complete incorporation in the disputed domain name support a presumption of bad faith. The Respondent's use of a privacy shield to conceal its identity and the disputed domain name's involvement in a phishing attempt further demonstrate bad faith in the registration and use of the disputed domain name. The disputed domain name, via e-mail function has been used to conduct an email phishing attempt. The Respondent created an email address associated to the disputed domain name "[...][@verisure.ink](mailto:[...]@verisure.ink)" in order to send at least one phishing email to one of the Complainant's customers. The email associated to "[...][@verisure.ink](mailto:[...]@verisure.ink)" email address displayed as subject words "Verisure-Maintenance", and in the body of the email informed the Complainant's customer that an alleged appointment on April 25, 2024, concerning, presumably the installation or maintenance of one of the Complainant's security systems, was confirmed.

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.

Considering the circumstances and evidence presented, the Panel deems the Complainant's VERISURE trademark to be well known.

The entirety of the Complainant's VERISURE trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Complainant's VERISURE mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Regarding the generic Top-Level Domain ("gTLD") ".ink" in the disputed domain names, as a standard registration requirement it should be disregarded under the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain name is identical to the Complainant's VERISURE trademark, as it entirely and exclusively comprises the VERISURE trademark. Consequently, the Panel concludes that the Complainant has met the requirements of paragraph 4(a)(i) of the Policy by proving its rights to the VERISURE trademark and demonstrating that the disputed domain name is identical to its VERISURE trademark.

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 is not authorized by the Complainant to use the VERISURE trademark, and there is no indication that the Respondent is commonly known under the disputed domain name. There is no apparent relation from the record between the Respondent and the Complainant, nor does it arise that the Complainant has ever licensed or otherwise permitted the Respondent to use its VERISURE trademark, or to apply for or use any domain name incorporating the same trademark.

The nature of the disputed domain name, consisting of the Complainant's VERISURE trademark in its entirety indicates the Respondent's awareness of the Complainant and its VERISURE trademark, and creates a high risk of implied affiliation or association with the Complainant, which does not support a finding of any rights or legitimate interests in this case. [WIPO Overview 3.0](#), section 2.5.1.

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

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 notes that the Respondent's actions regarding the registration and use of the disputed domain name demonstrate bad faith. The Complainant's trademarks were registered well before the disputed domain name, and the Respondent has never received authorization from the Complainant to use the VERISURE trademark or to register the disputed domain name. Given the Complainant's strong online presence, it is highly unlikely that the Respondent was unaware of the Complainant's rights to the VERISURE trademark at the time of creation of the disputed domain name. The Respondent created an email address associated to the disputed domain name "[...]@verisure.ink" in order to send at least one phishing email to one of the Complainant's customers. The email associated to "[...]@verisure.ink" email address displayed as subject words "Verisure-Maintenance", and in the body of the email informed the Complainant's customer that an alleged appointment on April 25, 2024, concerning, presumably the installation or maintenance of one of the Complainant's security systems, was confirmed. The Respondent's phishing attempt made shortly after the creation of the disputed domain name suggests that the Respondent intentionally sought to exploit the reputation and goodwill associated with the Complainant and its VERISURE trademark. This evidence supports the decision that the disputed domain name was registered in bad faith.

The disputed domain name resolves to an inactive website. Panels have found that the non-use of a disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding

doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's VERISURE trademark, and the composition of the disputed domain name, and the implausibility of any good faith use to which the inherently misleading disputed domain name may be put and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Moreover, panels have held that the use of a domain name for illegal activity (here phishing and impersonating) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In conclusion, the Respondent's choice to register a domain name that entirely incorporates the Complainant's VERISURE trademark, without any authorization from the Complainant, strongly indicates an intent to exploit the Complainant's established reputation and goodwill. Given the Complainant's prominent online presence, it is implausible that the Respondent was unaware of the Complainant's rights to the VERISURE trademark at the time of registration. The timing of the phishing attempt shortly after the disputed domain name's registration further underscores the Respondent's malicious intent to deceive and take advantage of the Complainant's brand. Additionally, the Respondent's use of privacy shield to conceal its identity and the use of the disputed domain name to send phishing email impersonating the Complainant reinforce the conclusion of bad faith. These factors collectively support the finding that the disputed domain name was registered and used in bad faith, in line with the criteria outlined in paragraphs 4(a)(iii) and 4(b) of 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 <verisure.ink> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: June 14, 2024