

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. Vikas Sharma
Case No. D2024-3310

1. The Parties

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

Respondent is Vikas Sharma, India.

2. The Domain Name and Registrar

The disputed domain name <arlosmartcam.com> (the “Domain Name”) is registered with Squarespace Domains LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2024. On August 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 13, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on August 16, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 20, 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 Respondent of the Complaint, and the proceedings commenced on August 29, 2024. In accordance with the Rules, paragraph 5, the due date for Respondent’s response was September 18, 2024. Respondent did not file a formal response but sent email communications to the Center on August 20, and September 17, 2024, respectively. On September 19, 2024, the Center informed the Parties that it would proceed with panel appointment.


The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on September 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

Complainant provides professionally monitored security solutions, including response services and home alarm systems. Having been active since 1988, Complainant has more than 5.1 million customers in 17 countries and employs over 28,000 people across the world. Complainant owns and provides the VERISURE and ARLO branded smart alarm systems, HD & 4K security cameras, doorbells and smart lighting.

In particular, the ARLO video cameras are designed for use in residential and commercial settings, and are known for their wireless design, long battery life, and high-quality video and audio. ARLO video cameras are available in a variety of styles and configurations, including indoor and outdoor cameras, wired and wireless cameras, and cameras with different levels of resolution and features. Complainant also launched a new ARLO application (app) in September of 2019, which is used to access and remotely control all ARLO devices.

Complainant owns numerous trademark registrations for ARLO (hereinafter the “Complainant’s trademarks”), including:

- United Kingdom registered trademark number UK00914248694 for the ARLO word mark, registered on October 27, 2015;
- European Union registered trademark number 014248694 for the ARLO word mark, registered on October 27, 2015; and
- European Union registered trademark number 018422616 for a bird shaped design mark , registered on July 6, 2021.

Complainant also owns numerous domain names containing the trademark ARLO, including:

- <arlo.com>, registered on October 19, 2003;
- <arlo-europe.com>, registered on November 8, 2019;
- <arloverisure.com>, registered on December 2, 2020; and
- <verisurearlo.com>, registered on December 2, 2020.

In particular, Complainant uses the domain name <arlo.com> to direct Internet users to its official website, where users and potential consumers can obtain information about Complainant’s ARLO products and services.

The Domain Name was registered on July 1, 2024. At the time of the filing of the Complaint, the Domain Name resolved to a website that featured Complainant’s ARLO trademarks, referred to Arlo products and services, and provided instructions and guidance on the use of Arlo cameras, including setting up an Arlo account, logging in and managing the camera system through an Arlo application (app), and provided users with the option of obtaining IT support apparently through the payment of membership fees.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for ARLO and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for well-known ARLO products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name, which includes Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent sent two email communications on August 20, and September 17, 2024, respectively to the Center, indicating inter alia that they had clearly stated on their website that they were not Arlo, and that they were ready to make further changes in their website to resolve the matter.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to file a formal response, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant has provided evidence of its rights in the ARLO trademarks, as noted above. Complainant has also submitted evidence which supports that the ARLO trademarks are widely known and a distinctive identifier of Complainant's products and services. Complainant has therefore proven that it has the requisite rights in the ARLO trademarks.

With Complainant's rights in the ARLO trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain in which it is registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's ARLO trademarks. These ARLO trademarks are recognizable in the Domain Name. In particular, the Domain Name's inclusion of Complainant's

trademark ARLO in its entirety, with the addition of “smart” and “cam” or “smartcam” after the ARLO trademark does not prevent a finding of confusing similarity between the Domain Name and the ARLO trademarks. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its ARLO trademarks, and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the ARLO trademarks or to seek registration of any domain name incorporating the trademarks. Respondent is also not known to be associated with the ARLO trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, the Domain Name was used in connection with a website that featured the ARLO trademarks, allegedly providing technical assistance for Complainant’s Arlo products and instructions on the use of Complainant’s Arlo cameras, including setting up an Arlo account, logging in and managing the camera system through an Arlo application (app), offering instructions on troubleshooting, ensuring and optimizing security features, syncing Complainant’s Arlo cameras, setting up specific Arlo models, and providing “chat function” in order to have users chat with the members of the website’s “technical support staff”. Under Terms & Conditions, it was also indicated that users who paid membership fees could use their IT services. Furthermore, users may perceive the content of the website associated with the Domain Name was from Complainant which is not the case here. Therefore, such use does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name.

Moreover, the composition of the Domain Name, which incorporates the ARLO trademarks together with “smart cam” referring to Complainant’s business, carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name apart from pointing out there was a disclaimer posted on the website associated with the Domain Name (which is addressed in section 6.C below). Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent’s actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the ARLO trademarks predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant’s ARLO trademarks and related products and services are widely known and recognized. The Domain Name was created on July 1, 2024, and incorporates Complainant’s ARLO trademarks together with the generic words “smart” and “cam” (abbreviated from the word “camera”), or “smartcam” which are descriptive words commonly used in Complainant’s industry and business and which directly relate to Complainant’s products and business.

Therefore, Respondent was aware of the ARLO trademarks when it registered the Domain Name. See section 3.2.2 of the [WIPO Overview 3.0](#); see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel therefore finds that Respondent’s awareness of Complainant’s trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the registration of the Domain Name incorporating Complainant’s ARLO trademark in its entirety and use of Complainant’s ARLO trademark for allegedly providing technical support services for Complainant’s products, presenting itself as an “independent company” while prominently displaying Complainant’s ARLO trademarks, and referring to Complainant’s products further increase the likelihood of confusion. It suggests Respondent’s actual knowledge of Complainant’s rights in the ARLO trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

In addition, Respondent’s unauthorized use of Complainant’s well-known trademarks to divert traffic to its website, is most likely targeted to induce Internet users to follow Respondent’s technical advice and to sign up for technical support through a paid service provided by Respondent, based on a false or at the very least, confusing impression to Internet users who may think there is an affiliation or connection to Complainant. This false or confusing impression is further enhanced through the placement and use of Complainant’s ARLO trademark in the Domain Name, the use of Complainant’s ARLO trademarks on the website – which are prominent and repeated - and the offering of technical services to support use and management of the Arlo devices, including setting up an Arlo account, logging in and managing the camera system through an Arlo app, offering instructions on troubleshooting, ensuring and optimizing security features, syncing Arlo cameras, setting up specific Arlo models, and providing a “chat function” to enable users to chat with the members of the website’s “technical support staff” and providing users with the option of obtaining IT support services for a membership fee.

At the time of filing of the Complaint, the website contained a disclaimer “This is a recognized independent company that enables its users to discover useful information. The content of the services that is image and brand name are only for the reference purpose. This means no other brand can use it unless they obtain the permission as all the rights are reserved by the website owner.” The Panel finds the existence of such disclaimer, which in this case was neither prominent nor clear, and buried amidst content of the website associated with the Domain Name, cannot cure bad faith use, in view of the overall circumstances of this case. In particular, the unauthorized use of Complainant’s distinctive and well-known ARLO mark in the Domain Name and its associated website, the disclaimer’s size, position and content, was not sufficiently prominent or clear to support a finding that Respondent has undertaken reasonable steps to avoid unfairly passing itself off as related to Complainant, or to otherwise confuse Internet users.

The Panel further notes that the content of the disclaimer has changed after the commencement of the proceeding. At the time of the Decision, the disclaimer is revised to state that “Arlo and its subsidiaries are not associated with, approved by, or linked to us. We are not Arlo. [...] The use of Arlo trademarks is limited to descriptive uses [...]”. Considering the Domain Name incorporates a well-known trademark in its entirety, along with descriptive terms associated with Complainant’s industry and business; and the content of the website presents the confusing and false impression of being an authorized technical service provider or being affiliated with Complainant, the Panel finds that the updated disclaimer does not overcome Respondent’s bad faith in this case. See [WIPO Overview 3.0](#), section 3.7; see also *Mozilla Foundation and Mozilla Corporation v. Ranjeet Kumar, Samsung India Private Limited*, WIPO Case No. [D2018-2815](#), (“the mere presence of the disclaimer...cannot cure such bad faith, due to the overall circumstances of this case.”)

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <arlosmartcam.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: October 7, 2024