

ADMINISTRATIVE PANEL DECISION

VFS Global Services PLC v. Clovers Smile
Case No. D2024-3558

1. The Parties

The Complainant is VFS Global Services PLC, United Kingdom, represented by Aditya & Associates, India.

The Respondent is Clovers Smile, India.

2. The Domain Name and Registrar

The disputed domain name <vfglobalcare.org> is registered with Web4Africa Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2024. On September 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 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 / N A) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 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 September 13, 2024.

The Center verified that 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 September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 9, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on October 10, 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, incorporated in 2001 in India, is a global business process outsourcing and technology services specialist and part of a group of companies that provides technological and logistical support services to various embassies and diplomatic missions in India and overseas, including the processing of visa applications. The Complainant's group serves the interests of the diplomatic missions of 68 sovereign governments in 153 countries and has processed over 294 million applications since 2001, 140.07 million biometric enrolments since 2007 and operates out of 3,457 visa application centers located in Asia, Africa, the Middle East, and Europe. The Complainant has rights in the registered trade mark rights for VFS GLOBAL in numerous countries including in fancy script in India under trade mark registration 1555893 registered on May 7, 2007. The Complainant owns the domain name <vfsglobal.com> from which it operates its own website.

The disputed domain name <vfsglobalcare.org> was registered on April 18, 2024 and does not resolve to an active website. The Complainant has provided evidence of an email sent to a third party requesting that in order to proceed with a visa application they contact the UK Biometric Officer at the email address connected to 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 it owns registered trade mark rights for its VFS GLOBAL mark and that the disputed domain name wholly incorporates the Complainant's mark. It says therefore that the disputed domain name is identical or confusingly similar to the Complainant's registered trade mark rights.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It says that "vfsglobal" being the predominant and essentially only relevant component of the disputed domain name, does not in any way reflect the Respondent's name. It submits that the Respondent does not, to the best of the Complainant's knowledge, own any trade mark registrations for "VFSGlobal" in any country and that the Respondent has not acquired any reputation and/or goodwill in "VFSGlobal" in any country. The Complainant confirms that it has not, nor has it ever, granted the Respondent any right, licence, authorisation or consent to use its VFSGlobal trade mark, in India or elsewhere.

The Complainant notes that its use of the VFS GLOBAL mark predates the registration of the disputed domain name. It submits that, in light of its extensive worldwide reputation attaching to VFS / VFSGlobal, the Respondent must have known about the Complainant's rights in the mark VFS / VFSGlobal and its services at the time of registering the disputed domain name. It says that the Respondent's intent in registering or acquiring the disputed domain name was to profit in some fashion from or otherwise to exploit the Complainant's trade mark and business.

The Complainant has provided evidence of an email sent to a third party by the Respondent requesting that in order to proceed with a visa application they contact the UK Biometric Officer at the email address "[...].@vfsglobalcare.org". The Complainant says that such use of the disputed domain name for email services in respect of visa and biometric services, which is the same sector as the Complainant's services, results in confusion as to the source of the services rendered. The Complainant notes that it is exclusively

authorised and appointed by the Governments of many countries to carry out their visa administration and management work and that this involves handling highly confidential data and information. It submits that there is no justification for the adoption of “vfsglobal” as a primary name which itself is confusing and that the Respondent has adopted the confusingly similar disputed domain name in order to deceive consumers and to trade upon the reputation and goodwill attaching to the Complainant’s distinctive trade mark.

The Complainant also submits that the non-use or passive holding of the disputed domain name by the Respondent also amounts to the use of the disputed domain name in bad faith. It asserts that the details provided by the Respondent while registering the disputed domain name are fake and were submitted just for the purpose of fulfilling the data which, says the Complainant, is consistent with the Respondent’s sole purpose being to obtain undue commercial gain from the disputed domain name.

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

The entirety of the VFS GLOBAL word mark is reproduced 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](#), section 1.7.

Although the addition of other terms, here the term “care” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

The Complainant has submitted that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Neither VFSGLOBAL nor the disputed domain name do not in any way reflect the Respondent's name. The Complainant has also submitted that the Respondent does not, to the best of the Complainant's knowledge, own any trade mark registrations for "VFSGLOBAL" in any country and that the Respondent has not acquired any reputation and/or goodwill in "VFSGLOBAL" in any country. The Complainant has also confirmed that it has not, nor has it ever, granted the Respondent any right, licence, authorisation or consent to use its VFSGLOBAL trade mark, in India or elsewhere.

The Complainant has provided evidence of an email sent to a third party by the Respondent requesting that in order to proceed with a visa application that they contact the UK Biometric Officer at the email address "[...].@vfsglobalcare.org". This appears to indicate that the Respondent has been using the disputed domain name in relation to visa processing services likely to confuse customers into thinking that they are dealing with the Complainant. The Complainant has submitted that it is exclusively authorised and appointed by the Governments of many countries to carry out their visa administration and management work. It appears to the Panel and is uncontroverted by the Respondent, that the Respondent has sought to use the confusingly similar disputed domain name in order to deceive consumers and to trade upon the reputation and goodwill attaching to the Complainant's distinctive trade mark.

Panels have held that the use of a domain name for illegal activity here, claimed as being impersonation/passing off and phishing 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 registered the disputed domain name in April 2024, long after the Complainant's registration of its VFSGLOBAL trade mark. The fact that the disputed domain name has been used as an email address for what appears to be a private visa application service and an identical or very similar service and sector to the Complainant's, indicates that the Respondent was more than likely well aware of the Complainant's well reputed VFS GLOBAL mark in the visa application and processing sector and of the Complainant's <vfsglobal.com> domain name when it registered the disputed domain name.

It is apparent, as discussed under section B above, that the Respondent has used the disputed domain name for an email address that it has used to masquerade as if it is the Complainant in seeking to assist visa applicants. It is evident that it did so in order to confuse customers into thinking that they were dealing with the Complainant, whether that was in relation to a competing service, or to obtain personal or confidential information for fraudulent purposes. The Respondent has offered no explanation of its activities and there is no contradictory evidence.

Panels have held that the use of a domain name for illegal activity here, claimed to be impersonation/passing off for the purposes of commercial gain or fraudulent activity 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.

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 <vfsglobalcare.org> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: October 24, 2024