

## ADMINISTRATIVE PANEL DECISION

VKR Holding A/S v. Keith Dunlop  
Case No. D2024-3563

### 1. The Parties

The Complainant is VKR Holding A/S, Denmark, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Keith Dunlop, United States of America (“United States”).

### 2. The Domain Name and Registrar

The disputed domain name <veluxtrade.com> is registered with Dynadot 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 4, 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 Super Privacy Service LTD c/o Dynadot”) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 6, 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 9, 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 September 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 1, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on October 4, 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 following facts are undisputed.

The Complainant is the parent company of the VELUX Group. Through its subsidiaries, the Complainant offers roof windows, skylights, vertical windows and systems, thermal solar energy systems, decoration and sun screening products, ventilation, and indoor climate products.

The Complainant's founder, Villum Kann Rasmussen, established the VKR Group in 1941, and patented his first roof window in 1942. He called it VELUX, with "VE" derived from the word "ventilation" and "LUX" from the Latin word for "light". Today, the Complainant employs 15,400 people in 40 countries. In 2020, the VKR Group reported DKK 22.6 billion in revenue and DKK 3.7 billion in net profit.

The Complainant is the owner of several trademark registrations for the word trademark VELUX across various jurisdictions, including the United States Trademark Registration No. 73145934, registered on May 16, 1978.

The Complainant promotes and provides information about its VELUX brand and products at the website resolving from its domain name <velux.com>.

The disputed domain name was registered on May 20, 2024. At the time of filing the Complaint and rendering this decision, the disputed domain name resolved to a website which under the name "Velux Trade" purportedly offers investment in digital currencies.

The Complainant sent a cease-and-desist letter to the Respondent on July 16, 2024.

#### **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 the following.

The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests. At the time of filing the Complaint, the Respondent was using a privacy Whois service, which past panels have also found to equate to a lack of legitimate interest. Past Panels have determined that use of a disputed domain name to redirect Internet users to content unrelated to a complainant, even if the respondent does not derive commercial benefit from such use, does not automatically render the use of the disputed domain name legitimate.

In the present case, the Respondent is using the disputed domain name to redirect Internet users to a website where it promotes cryptocurrency trading services, completely unrelated with Complainant nor its well-known VELUX trademark. The Complainant has found two other websites hosting particularly identical content.

Specifically, these websites were using the same color scheme, pictures and text as the website to which the disputed domain name resolved. All information on the website to which the disputed domain name resolved, is near identical to the other two websites, (“www.carnelian-capitals.live” and “www.autocompartnership.live”) but for the replacement of “VELUX” with the respective names: “carnelian” and “autocom”.

The Respondent selected the disputed domain name to intentionally confuse unsuspecting Internet users into visiting its website. As such, the Respondent has intentionally misappropriated the Complainant’s trademark as a way of redirecting Internet users searching for the Complainant to the website to which the disputed domain name resolves. The disputed domain name promotes “Foreign Exchange, Stock Market Trading, and Cryptocurrency Trading” which is unrelated to the Complainant and its services. This sort of tactic – labeled “bait-and-switch” for its propensity to confuse Internet users into believing that they are visiting the Complainant’s website only to discover that the disputed domain is completely unconnected to that of the Complainant – has been held to be evidence of bad faith registration and use by past panels.

In addition, the disputed domain name is also currently set up with mail exchanger (MX) records. This shows that the disputed domain name may be actively used for email purposes.

## **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 entirety of the 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 “trade”, 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.

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.

Certainly lacking a Response, the Panel finds that, although the disputed domain name resolves to a website purportedly offering digital currencies under the name "Velux Trade", the website is not a genuine website with a bona fide offering of such services, given what the Complainant brought forward this website is nearly identical to two other websites under different, and apparently unrelated names.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel refers to its consideration under 6.B.

The disputed domain name was registered many decades after the Complainant first registered its VELUX word trademark. It is inconceivable that the Respondent registered the disputed domain name ignorant of the existence of the Complainant's trademark, given the renown of the Complainant's trademark and that the disputed domain name consists of the Complainant's trademark with the mere addition of the dictionary term "trade". Furthermore, the Respondent did not participate in the proceeding, while the case was calling for an answer.

The evidence on the record, including the fact that the website to which the disputed domain name resolved, is a copy of two other websites to which unrelated domain names resolved, indicates that the Respondent has used the disputed domain name in an attempt to attract, almost certainly for commercial gain, Internet users to websites by creating confusion in the minds of the public as to an association between the website and the Complainant. The Respondent's use of the disputed domain name in this manner is a bad faith use. Accordingly, 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 <veluxtrade.com> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: October 14, 2024