

## **ADMINISTRATIVE PANEL DECISION**

Bureau Veritas v. KUNCHLA RAO

Case No. D2024-3586

### **1. The Parties**

The Complainant is Bureau Veritas, France, represented by Denemeyer & Associates SAS, France.

The Respondent is KUNCHLA RAO, India.

### **2. The Domain Name and Registrar**

The disputed domain name <bureauveritass.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 4, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 16, 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 16, 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 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. The Response was filed with the Center on September 26, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on October 11, 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**

Founded in 1828, the Complainant is world leader in testing, inspection and certification (TICS). The Complainant, and its subsidiaries, currently employ over 82,000 people, with more than 1,600 offices and laboratories worldwide.

The Complainant is the owner of a large number of trademark registrations in respect of its BUREAU VERITAS trademark internationally, including European Union trademark registration number 004518544, registered on June 1, 2006.

The disputed domain name was registered on August 13, 2024, and resolves to a website in which a “structural engineering and consultant service” is offered with copyright notice at the bottom of the page stating “Copyright © 2024 THE BUREAU VERITAS INDIA - STRUCTURAL ENG AND CONSULTANT SERVICE - All Rights Reserved”.

#### **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 Respondent is not generally known by the disputed domain name, and that the Complainant has never granted permission to the Respondent to use its BUREAU VERITAS trademark in connection with the registration of a domain name, or otherwise.

##### **B. Respondent**

The Response was filed with the Center on September 26, 2024, stating that “[...] I am the rightful owner of this domain, having purchased it through GoDaddy”.

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

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 Complainant’s BUREAU VERITAS trademark 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.

The Panel finds the addition of an extra “s” 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 1.9.

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

## **B. Rights or Legitimate Interests**

The Complainant presented evidence that the company featured on the disputed domain name, namely "THE BUREAU VERITAS INDIA", does not exist based on its search of the Indian Trade Names Registry.

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

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

Given that Complainant has a subsidiary in India, where the Respondent resides, it is not likely that the Respondent registered the disputed domain name without knowledge or ill intention. Also, the Panel notes that Respondent's response contains only an argument of ownership without any substantive merit. Therefore, the Panel is convinced that the Respondent deliberately designed the disputed domain name for the purpose of competing unfairly with the Complainant, which makes a finding of registration in bad faith inevitable, and the Panel so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name to offer services which compete directly with those offered by the Complainant, which is clearly the case here, constitutes use of the disputed domain name in bad faith, and the Panel so finds in the circumstances of this case.

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 <bureauveritass.com> be transferred to the Complainant.

*/George R. F. Souter/*

**George R. F. Souter**

Sole Panelist

Date: October 25, 2024