

ADMINISTRATIVE PANEL DECISION

Serco Group Plc v. neeraj kumar, data entry
Case No. D2024-3684

1. The Parties

The Complainant is Serco Group Plc, United Kingdom (“UK”), represented by SafeNames Ltd., UK.

The Respondent is neeraj kumar, data entry, India.

2. The Domain Name and Registrar

The disputed domain name <sercoae.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 11, 2024. On September 12, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 13, 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 17, 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 9, 2024.

The Center appointed María Alejandra López García 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

The Complainant is a British multinational service provider company for governments and others who serve the public, in different sectors as transport, justice, immigration, health, defense, and citizen services, among others. The Complainant was initially founded in 1929 under the name RCA Services Limited, a UK's division of Radio Corporation of America, the Complainant became "Serco" in 1987. The Complainant is listed on the London Stock Exchange since 1988. The Complainant is a FTSE 350 company managing over 500 contracts worldwide and employs over 50,000 people.

The Complainant's official website can be found at "www.serco.com", active since 1994. The Complainant operates internationally across four geographic regions: UK and Europe, North America, Asia Pacific, and the Middle East.

The Complainant's total revenue in 2023 was of GBP 4.9 billion, with over 500 contracts worldwide, as with e.g., the European Council for Nuclear Research (CERN). The Complainant has been awarded the Skills Development Program of the Year at the 2020 Big Project Awards, which celebrate the excellence of leading companies in the region. In 2024, the Complainant has been recognized on the Forbes Best Employers list for the sixth time.

The Complainant has also undertaken projects in the Middle East, as e.g., to provide technical services at Ras Al Khaimah International Airport in the United Arab Emirates, and other services in airports in Saudi Arabia. The Complainant is also active through social media, in particular on LinkedIn, YouTube and X (f.k.a. Twitter).

The Complainant also looks to positively impact communities and the environment, through the Serco Heart project to raise money and volunteer time. Corporate causes include but are not limited to Fisher House, Armed Services YMCA and Hope for Warriors.

The Complainant owns several registered trademarks across multiple jurisdictions, including among many others, the following ones:

- European Union Intellectual Property Office (EUIPO) trademark for SERCO (word mark), Reg. No. 000201798, registered on August 19, 1999, in force until April 1, 2026, and in International Classes ("ICs") from 35 to 42.
- United States of America trademark for SERCO (word mark), Reg. No. 2932258, registered on March 15, 2005, in force until September 15, 2025, and in ICs from 35 to 43 and 45.
- Canadian trademark for SERCO (word mark), Reg. No. TMA675423, registered on October 23, 2006, in force until October 23, 2031, and in ICs 35 and from 37 to 45.

The disputed domain name <sercoae.com> was registered on July 16, 2024; by the time of filing of this Complaint it resolved to a Pay-Per-Click ("PPC") advertising website with commercial links related to job openings, including those claiming to offer openings at the Complainant. By the time of this Decision, the PPC links are related to transport and insurance industry, related to the Complainant business activities. The disputed domain name has also been used to engage in phishing activity.

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

No Response or any kind of communication has been submitted by the Respondent, despite the efforts and fair opportunity given by the Center to present its case in accordance with paragraph 2(a) of the Rules. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard. See, paragraphs 14 and 15(a) of the Rules, and [WIPO Overview 3.0](#), section 4.2.

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 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, the two vowels "ae" may bear on assessment of the second and third elements, the Panel finds the addition of such vowels 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.

The Complainant has provided sufficient evidence before the Panel, showing how the disputed domain name has been used to incur in well-elaborated phishing activity based on a fake job offer. Evidence that to this Panel, it is sufficient to establish the Respondent’s lack of rights or legitimate interest in respect of the disputed domain name. Accordingly, panels have held that the use of a domain name for illegal activity here, claimed as 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.

Based on the evidence submitted, the Complainant’s Trademark rights considerably predate the disputed domain name registration. The disputed domain name is composed by the Trademark SERCO in addition of the vowels “ae” which could be the ISO two-letter code for the United Arab Emirates, to build a PPC website with commercial links related to the Complainant’s business activities, and furthermore, to elaborate an entire fake job offer from “SERCO Limited, Dubai Branch Office, UAE” with phishing purposes; such facts, to this Panel, are sufficient to conclude that the Respondent knew -very well- the Complainant, at the time of the registration of the disputed domain name and that it has being used in bad faith as well. [WIPO Overview 3.0](#), section 3.1.4 and 3.2.2.

Accordingly, panels have held that the use of a domain name for illegal activity here, claimed as phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Therefore, 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 <sercoae.com> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: October 15, 2024