

## **ADMINISTRATIVE PANEL DECISION**

VFS Global Services PLC v. Mahmoud Ali, grafix  
Case No. D2024-3714

### **1. The Parties**

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

The Respondent is Mahmoud Ali, grafix, Türkiye.

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

The disputed domain name <vfs-services.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 13, 2024. The Respondent sent an email Communication on September 12, 2024, to the Center. On September 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 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 (Registration Private (Registrant)) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 18, 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 18, 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 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 16, 2024.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on October 29, 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**

VFS Global Services Pvt. Ltd., the Complainant, was originally incorporated as Fastrac Visa Facilitation Services Pvt. Ltd. on July 10, 2001, and is involved in providing administrative and non-judgmental tasks related to visa application for its client Embassies and Foreign Missions and performs other related services.

Since its incorporation in the year 2001, the Complainant has experienced rapid growth and at present has presence in many countries across the globe.

All the group companies are collectively referred to as "VFS GLOBAL" including VF Worldwide Holdings Ltd. and VFS Global Services PLC.

Today the Complainant serves the interests of the diplomatic missions of 68 sovereign governments in 153 countries across five continents worldwide.

The whole system is now online and linked through the Complainant's website "www.vfsglobal.com". This website "www.vfsglobal.com" provides all country specific visa information, visa requirements, application procedure, fee structure, scheduling of interviews, etc.

The Complainant and its group companies are the owners and the registered proprietors of the marks VFS / VFS GLOBAL, including, among many others, the following.

In UNITED KINGDOM: UK00003045463 VFS.GLOBAL EST.2001 (figurative), registered on July 11, 2014, in classes 9, 16, 35, 38, 39, and 42.

In CANADA: 1086528 VFS VFS.GLOBAL (figurative), registered on October 29, 2020, in classes 9, 16, 35, 38, 39, and 42.

In Brazil 916282090 VFS. VFS.GLOBAL EST. 2001 (combined), registered on September 17, 2019, in class 9.

The Complainant is also a registrant of domain name <vfsglobal.com> which was registered on February 23, 2005, by one of the group companies of the Complainant VF Worldwide Holdings Limited and resolves to the webpage where the Complainant offers its information and services.

The disputed domain name was registered on June 12, 2024, and resolves to a webpage with a link to visa related services similar to those offered by the Complainant.

#### **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.

The Respondent does, to the best of the Complainant's knowledge, not own any trademark registrations reflecting VFS in any country; and has not acquired any reputation and/or goodwill in VFS.

The Complainant confirms that it has not, nor has it ever, granted the Respondent any right, license, authorization or consent to use its VFS trademark.

The use of the disputed domain name is in respect of visa and biometric services, which allegedly falls in the same service arena of the Complainant's services and causes absolute confusion as to the source of the services rendered.

Taking advantage of the popularity of the Complainant's services, the Respondent adopted the confusingly similar disputed domain name in order to deceive, scam, and cheat the consumers, and misrepresent the origin of the services offered. In this regard, the Complainant provides evidence of the use of the disputed domain name for purposes of sending fraudulent emails under the guise of the Complainant.

The registration and use of the disputed domain name is unjustified, unlawful, unauthorized, and dishonest. The Complainant further reiterates that such unauthorized and fraudulent use also amounts to trading upon the reputation and goodwill of the Complainant's distinctive trademark and their services which are mainly provided through their website "www.vfsglobal.com".

The Complainant requests the Panel to issue a decision ordering that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. In its pre-commencement communication of September 12, 2024, the Respondent requested further information concerning the proceeding and despite being provided a copy of the Complaint upon the commencement of the proceeding, no further emails were received.

## **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 distinctive and repeated feature in all of the Complainant's trademarks is "vfs".

The entirety of the VFS element is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "services", 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. Rather, the evidence demonstrates that the disputed domain name has been used for fraud by impersonating the Complainant through a fraudulent email scheme conducted through the disputed domain name. Such illegal use can never confer rights or legitimate interests upon 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.

As indicated by panels in a previous UDRP cases, the Complainant has “acquired goodwill and a widespread reputation in the VFS trademarks, in relation to visa processing services” (*VFS Global Services PLC. v. Ajay Kumar*, WIPO Case No. [D2022-4378](#)), and the evidence in the present case supports such finding.

The Panel is satisfied that the Respondent must have been aware of the Complainant’s name and trademarks mentioned in Section 4 above (Factual Background) when it registered the disputed domain name on June 12, 2024.

In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the VFS element from the Complainant’s trademark in the disputed domain name creates a presumption of bad faith registration.

The addition of the term “services” instead of “global” in the disputed domain name does nothing to diminish but rather tends to strengthen the confusion between the Complainant’s trademark and the disputed domain name, as it conveys the idea that the services involved are those rendered by the Complainant and that the website to which it resolves belongs to or is endorsed by the Complainant, which is false.

The Respondent, when registering the disputed domain name, has targeted the Complainant’s business and its trademark VFS with the intention to confuse Internet users and capitalize on the fame of the Complainant’s trademark for its own benefit. Such intent is apparent when considering the fraudulent use to which the disputed domain name has been put, namely impersonating the Complainant via emails sent from the disputed domain name.

The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled.

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 <vfs-services.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: November 12, 2024