

## ADMINISTRATIVE PANEL DECISION

Viamedis, SA v. Idah Idah  
Case No. D2024-3715

### 1. The Parties

The Complainant is Viamedis, SA, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Idah Idah, Indonesia.

### 2. The Domain Name and Registrar

The disputed domain name <viamediss.net> (the “Domain Name”) 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 12, 2024. On September 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 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 October 2, 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 October 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 29, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 1, 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 operates in third-party payment technology in healthcare in France. The Complainant supports 20 million beneficiaries and 240,000 healthcare professionals. The Complainant employs more than 350 individuals. It has a strong Internet presence through the websites at the domain names <viamedis.net> and <viamedis.fr>, as well as on social media platforms. The Complainant holds trademark registrations in VIAMEDIS, such as French trademark no. 3799840 (registered on November 18, 2011).

The Domain Name appears to be registered on November 30, 2023. The Domain Name has resolved to a pay-per-click webpage on which the Domain Name was offered for sale for USD 499.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and contends that the Domain Name is a misspelling of the Complainant's trademark. The only difference is an added "s" at the end of the Domain Name.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner. The Complainant asserts that the Respondent is not commonly known by the Domain Name. There is no evidence of the Respondent's use of the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The Respondent's use of the Domain Name - pay-per-click links and offering the Domain Name for sale – does not give rise to rights or legitimate interests.

By registering a one letter typo of the Complainant's trademark, the Respondent has demonstrated a knowledge of the Complainant. It is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's brand. By creating a likelihood of confusion between the Complainant's trademarks and the Domain Name, the Respondent has showed an intent to capitalize on the fame and goodwill of the Complainant's trademark. It is evidenced by the use of the Domain Name for pay-per-click links. Moreover, the Domain Name is offered for sale, at a price that exceeds the Respondent's documented out-of-pocket costs, and the Respondent has employed a privacy service to hide its identity.

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

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

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

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

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademark VIAMEDIS. The Domain Name is identical to the Complainant's trademark, save for the extra letter "s". This difference does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark.

[WIPO Overview 3.0](#), section 1.7. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

Based on the evidence in the present matter, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The Panel agrees that, in the circumstances of this case, the use of the Domain Name for pay-per-click links does not give rise to rights or legitimate interests. Furthermore, the Panel finds that the Domain Name comprising the Complainant's trademark and the addition of the letter "s" carries a risk of implied affiliation, as there is a risk that Internet users will not notice the additional letter "s", noting also that the Domain Name is nearly identical to the Complainant's domain name <viamedis.net>.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

## **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.

The Panel finds that the Respondent most likely knew of the Complainant when it registered the Domain Name. As noted above, it is based on the composition of the Domain Name and the similarity between the Domain Name and the Complainant's trademark. The Panel agrees that the mere registration of the Domain Name that is a typo of a well-known trademark, creates a presumption of bad faith. Moreover, the Domain Name has been offered for sale, and the Respondent has not presented any evidence of good faith use. On the contrary, the use for pay-per-click links in this case points to bad faith.

Based on the available record, 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 the Domain Name <viamediss.net> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: November 7, 2024