

## **ADMINISTRATIVE PANEL DECISION**

Bureau Veritas v. Kavita Das, Integrated Certification & Inspection Pvt. Ltd.  
Case No. D2024-4224

### **1. The Parties**

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

The Respondent is Kavita Das, Integrated Certification & Inspection Pvt. Ltd., India.

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

The disputed domain name <euroveritas.com> is registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 14, 2024. On October 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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 / Redacted For Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 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 15, 2024.

The Center verified that the Complaint together with 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 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2024. The Response was filed with the Center on November 4, 2024.

The Center appointed John Swinson as the sole panelist in this matter on November 15, 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 a 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 has a subsidiary in India, the head office of which is in Mumbai. This business started operations in 1971 and has more than 5,500 employees and more than 100 offices and labs in India.

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

The disputed domain name was registered on July 5, 2015.

#### **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 term “veritas” is the dominant and distinctive element of the Complainant’s trademark. The term “euro” evokes a geographical indication. The addition of the prefix “euro” in the disputed domain name could simply lead the public to believe that the services provided are intended for the European territory or rendered by a European subsidiary of the Complainant.

The disputed domain name was registered by an Indian company “Kavita Das, Integrated Certification & Inspection Pvt. Ltd”. which is not a subsidiary of the Complainant and not linked to it whatsoever.

The adoption of the term “veritas”, which is not included in the Respondent’s corporate name, and which has not been the subject of any trademark registration by the Respondent, is not a matter of chance but results from the Respondent’s clear intention to take advantage of the reputation of the Complainant’s trademarks in the field of certification for which it enjoys an international reputation.

The disputed domain name links to a website “www.euroveritas.com” which has been created by Indian individuals in an attempt to be portrayed as a UK-based auditing/certification provider. No evidence of any bona fide trading activities were found.

The Respondent’s business is certification, which is exactly the same activity as that of the Complainant for which it enjoys an international reputation.

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

The Respondent filed a Response that did not directly address the elements of the Policy or the allegations made in the Complaint. (It appears to the Panel that the Response was written with the assistance of an AI tool – on the one hand, this would not necessarily matter insofar as the outcome is concerned as it is the content of the submission that matters; on the other hand, it may invite additional scrutiny as to substantive

content – and to the extent it may not squarely address the questions being posed. In any event, the Panel has taken care to consider whether the contentions in the Response, regardless of their provenance, have merit.)

The Respondent contends that since inception, “Euro VERITAS Limited has maintained a clear and independent identity, with distinct branding, domain usage (“www.euroveritas.com”), and business practices that differentiate us from any other entity” and that the disputed domain name is not similar to the Complainant’s trademark.

The Respondent also contends that Euro VERITAS Limited is not in competition with the Complainant.

They argue that “the term ‘Veritas’ represents universal values of truth and accuracy, making it a natural and legitimate choice for our business that is committed to verification, certification, and quality assurance services.” They further states that its use is widespread and cannot be restricted to a single business entity.

The Respondent also asserts that Euro Veritas is a natural and logical choice for the Respondent’s business operations and services, noting that Euro Veritas Limited has been registered as a UK company for 12 years.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled.

### **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 disputed domain name includes the term “euro” which is refers to Europe, and “veritas” which is Latin for truth. The Respondent asserts that the term “euro” was chosen by the Respondent “to signify geographical significance”. The disputed domain name does not include the term “bureau” which is the initial part of the Complainant’s trademark. The term “veritas” is the dominant feature of the Complainant’s mark. The Panel finds the mark is recognizable within the disputed domain name.

The Panel considers the addition of “euro” in the disputed domain name 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.

It is well established that the content of the Respondent's website is normally disregarded when assessing confusing similarity under the first element of the Policy. The test is to be conducted by way of a side-by-side comparison of the Complainant's trademark and the disputed domain name. *Harry Winston Inc. and Harry Winston S.A. v. Jennifer Katherman*, WIPO Case No. [D2008-1267](#). However, in certain circumstances, it is permissible for the Panel to consider the website at the disputed domain name to gain an indication of the Respondent's intention with the disputed domain name. See *Zippo Manufacturing Company v. Domains by Proxy, LLC and Paul Campanella*, WIPO Case No. [D2014-0995](#), cited with approval in *VF Corporation v. Vogt Debra*, WIPO Case No. [D2016-2650](#); and *Gravity Co., LTD. and Gravity Interactive, Inc. v. Domain Privacy Service FBO Registrant / Junior Silva*, WIPO Case No. [D2021-2648](#); *Fenix International Limited v. Nemanja Kreceelj / Nemanja Kreceelj, Rocket Science Group*, WIPO Case No. [D2021-2667](#); and *Fenix International Limited v. Domain Admin, Privacy Protect, LLC / yossri ben salah, to leaks*, WIPO Case No. [D2022-0872](#).

In the present case, the Panel reviewed the website at the disputed domain name and can draw the conclusion that the content of the website confirms confusing similarity since it appears prima facie that the Respondent is providing services competitive to the Complainant through the disputed domain name. "Euro Veritas" is not a term that is likely to be used by an Indian certification company, other than due to its similarity to the Complainant's mark.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

## **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 Respondent appears to suggest that the Respondent has rights or legitimate interests in the disputed domain name because of a United Kingdom company called Euro Veritas Limited that was established in 2012. Thus, a question arises whether the Respondent has been commonly known by the disputed domain name or a name corresponding to the disputed domain name, with paragraph 4(c)(ii) of the Policy.

However, the Response provided no information or evidence to show that the Respondent is associated with Euro Veritas Limited. The Response appears to have been filed as if the Respondent was Euro Veritas Limited, but does not explain the relationship between the Respondent (Kavita Das, Integrated Certification & Inspection Pvt. Ltd.) and Euro Veritas Limited. Additionally, there is no evidence that Euro Veritas Limited is a trading entity or is commonly known by the disputed domain name for the purposes of the Policy. The Complainant states that searches reveal that Euro Veritas Limited is non-trading and that this company has filed dormant accounts since its incorporation. The Respondent provided no relevant evidence to rebut this.

For similar reasons set out below in respect of the third element of the Policy, paragraph 4(c)(i) of the Policy does not apply in the present case because there is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. In this regard, the Panel considers it likely that the visual and particularly phonetic similarity between the disputed domain name and the Complainant's mark was deliberately chosen to suggest an affiliation with the Complainant for the Respondent's own benefit.

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

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

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain names in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant. *Instagram, LLC v. Domains By Proxy, LLC / Masud Rana, D-limit Ltd*, WIPO Case No. [D2022-0250](#).

The Complainant is long-standing and well-known, and has substantial operations in India where the Respondent is located. The Respondent, supposedly being in the certification business, would most likely be aware of the Complainant. The Respondent did not assert that the Respondent was not aware of the Complainant when the Respondent selected and registered the disputed domain name.

The website at the disputed domain name includes a disclaimer that states, in part, the following:

"Any similarity between the name 'Euro VERITAS Limited' or our domain with other businesses or entities, either within the UK or internationally, does not imply any affiliation, association, or connection. Euro VERITAS Limited operates as is a distinct and separate entity with no responsibility for the actions, services, or representations of other entities that may have similar names. We are not responsible for any services, products, or representations made by other entities with similar-sounding names or domain names."

This possibly could be read as an admission that the Respondent is aware of the Complainant, and that there is an implied affiliation. Otherwise, no such disclaimer would be required.

The Respondent provided weak reasons why the Respondent selected the disputed domain name for a certification business. The Respondent's primary argument on this point is that the terms "euro" and "veritas" are dictionary terms that each have a connotation relevant to the Respondent's business. The Respondent is based in India, although it asserts (but provides no evidence to prove) that it does business in the United Kingdom. The website at the disputed domain name gives contact addresses in London and in Mumbai. Other than this website and the incorporation of the business in the United Kingdom, there is no evidence of an operating business, in the United Kingdom, Europe, India, or elsewhere, operated by the Respondent. "Veritas" may be Latin for "truth", but it is not evident why an Indian company selected this Latin term for a domain name for its certification business, other than because it is part of the name of the Complainant.

The contact details on the website at the disputed domain name are to email addresses at the domain name <eurocertregistrars.com>. This domain name is redirected to the website at the disputed domain name. The Response was received from one such email address on the disputed domain name, and does not provide any explanation of the relationship between the Respondent, Euro Veritas Limited, or the domain name <eurocertregistrars.com>. It appears to the Panel that the Respondent operates a number of domain names, but has selected the disputed domain name as its public-facing domain name in order to take advantage of a likelihood of confusion caused by the similarity (in particular phonetic similarity) of the disputed domain name to the Complainant's mark and longstanding company, which has operated in the Respondent's country, in the same commercial field, for over 50 years.

The Complainant asserts that “A number of red flags on the [Respondent’s] website have been found that cause to question the legitimacy of both the website and organisation.” The Complainant provided details of what it claims are these “red flags”, including poor grammar, suspect references, and an out of date copyright notice. The Respondent did not address these assertions of the Complainant.

The Panel finds that the Respondent, by using the domain name, has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

Accordingly, paragraph 4(b)(iv) of the Policy applies.

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 <euroveritas.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: November 29, 2024