

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. van Driel, I.D.C.J.

Case No. DNL2024-0033

1. The Parties

The Complainant is Verisure Sàrl, Switzerland, represented by AWA Sweden AB, Sweden.

The registrant of the disputed domain name is van Driel, I.D.C.J., Netherlands (Kingdom of the), self-represented (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <verisureclaim.nl> is registered with SIDN through team.blue nl B.V (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2024. On July 4, 2024, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On July 5, 2024, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 5, 2024, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on July 8, 2024.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 9, 2024. In accordance with the Regulations, article 7.1, the due date for Response was July 29, 2024. The Response was filed with the Center on July 29, 2024. The Complainant submitted a supplemental filing on July 31, 2024.

On August 9, 2024, SIDN commenced the mediation process. On September 16, 2024, SIDN extended the mediation process until October 16, 2024. On October 16, 2024, SIDN extended the mediation process until November 18, 2024. On November 20, 2024, SIDN informed parties that the dispute had not been solved in the mediation process.

The Center appointed Alfred Meijboom as the panelist in this matter on November 22, 2024. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant is a provider of professionally monitored security solutions and home alarms with more than 4.7 million customers in 17 countries and more than 25,000 employees worldwide.

The Complainant is owner of several trademark registrations for VERISURE, including

- European Union (“EU”) trademark registration No. 006674915 for the word mark VERISURE, which was registered on March 26, 2010, for goods and services in classes 9, 38, 44, and 45;
- EU trademark registration No. 018124435 for the word mark VERISURE, which was registered on January 16, 2020, for goods and services in classes 6, 7, 9, 12, 36, 37, 38, 39, 42, and 45, and;
- EU trademark registration No. 018933357 for the device mark VERISURE, which was registered on January 30, 2024, for goods and services in classes 6, 9, 11, 12, 14, 36, 37, 38, 39, 42, and 45.

The Respondent is a Dutch licensed lawyer (“advocaat”) who, according to his website at “www.rechtnl.nl”, practices in the areas of employment and personal injury law. The Respondent has represented a former employee of the Complainant in a labor law matter before the Dutch courts, and obtained a favorable decision for this former employee from the Amsterdam Court of Appeal on May 30, 2023 (ECLI:NL:GHAMS:2023:1227). The Respondent contends that the Amsterdam Court of Appeal in an interim order would have considered that there seemed to be a pattern of inadequate provision of information of the Complainant’s bonus system to its employees by the Complainant so that those employees might be entitled to financial compensation from the Complainant.

The Respondent registered the disputed domain name on June 3, 2023. The disputed domain name resolves to a website which the Respondent alleges aims at providing former employees of the Complainant with a tool to claim (and interrupt the limitation period of) wages wrongfully left unpaid by the Complainant. The home page of this website displays the term “verisureclaim” in black and red letters, alleges “Ex-werknemer van verisure? U heeft nog geld tegoed!” (“Ex-employee of verisure? You are still owed money!”), and offers for a fee a tool to calculate the possible claim and a standard claim letter to the Complainant, as well as the possibility to contact the Respondent in order to proceed with the claim.

5. Parties’ Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to the Complainant’s VERISURE trademarks, which the disputed domain name includes in its entirety in the initial part of the disputed domain name. The remaining part of the disputed domain name, “claim”, is descriptive to its nature, in light of the website under the disputed domain name relates to financial claims.

The Complaint alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent has not acquired any trademark or service mark rights for and/or including “VERISURE” and/or “VERISURE CLAIM”, nor did the Complainant give permission to the Respondent to use its VERISURE trademarks. The Complainant also alleges that the use on the website

under the disputed domain name of the term “verisureclaim” in black and red letters is highly similar to the Complainant’s device mark VERISURE which is evidently made in an attempt to falsely create the impression that there exists a commercial or economical relationship between the Respondent and the Complainant and support the argument that the Respondent lacks a legitimate interest in the disputed domain name. The Complainant also alleges that the nature of the disputed domain name, comprising substantially all of the Complainant’s trademark with a descriptive term “claim”, carries a risk of implied affiliation with the Complainant, as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. And finally, the Complainant alleged that the disputed domain name and the content of the website may mislead an Internet user and cause for detriment and tarnish of the Complainant and its VERISURE trademarks, as the website gives the impression that the Complainant is misinforming or even acting fraudulently towards its employees, which can in no manner constitute a noncommercial fair use of the disputed domain name.

The Complainant also alleges that the Respondent has registered and is using the disputed domain name in bad faith because the disputed domain name resolves to a website which, according to the Complainant, contains several false and misleading statements regarding the Complainant, including the aforementioned decision of the Amsterdam Court of Appeal, and more particularly because the Complainant considers the Respondent’s statements to the Complainant’s former employees on the website about the applicable bonus system at the time of their employment, and the suggestion that the Complainant would not be paying its employees the base salary, as incorrect. The Complainant alleges that these statements indicate that the Respondent has registered and is using the disputed domain name in bad faith to take advantage and profit of Internet users’ inexperience and lack of knowledge about claims for damages. The Complainant also considers the Respondent’s use of a calculation schedule and a model letter for damage claims for consideration on its website to be bad faith use of the disputed domain name. In this regard, the Complainant stresses that it has no problem engaging with employees and former employees about their possible right to compensation, but the Complainant alleges that the Respondent’s website is misleading Internet users, employees and former employees of the Complainant are misled about the likelihood of receiving such compensation. It is accordingly obvious that the Respondent is using the Complainant’s trademarks to disrupt its business or to profit from the brand and reputation.

B. Respondent

The Respondent alleges that the disputed domain name is not confusingly similar to the Complainant’s VERISURE trademarks because the Complainant has no trademark rights in the term “verisureclaim” and the disputed domain name is used for services for which the Complainant’s VERISURE trademark has not been registered.

The Respondent alleges that he has rights or legitimate interests in respect of the disputed domain name, because it is obvious to Internet user that the website to which the disputed domain name resolves is not affiliated to the Complainant, but rather offers a legal product to (former) employees of the Complainant, which is intended to claiming wrongfully unpaid wages from the Complainant. The Respondent contends that he has a legitimate interest in informing former employees of the Complainant that they are entitled to claim back-payment of wages, which claim has been substantiated by a decision of the Amsterdam Court of Appeal, and an interim order of the same court.¹ According to the Respondent it is not possible to make (former) employees of the Complainant aware of their rights against the Complainant without using the Complainant’s name on the website, and the name of the disputed domain name describes what the website offers. The Respondent disputes that the claim information on his website is misleading.

The Respondent denies that the disputed domain name was registered and used in bad faith, alleging that the fact that the Complainant disagrees with the content of the Respondent’s website does not mean that the disputed domain name is in bad faith.

¹According to the Response, three annexes were to be submitted that, however, were not in the file. Annex 3 concerned “orders of the Amsterdam Court of Appeal,” of which the aforementioned interim order is apparently part.

6. Further submissions

The Complainant sent an unsolicited submission to the Center on July 31, 2024, in order to correct an apparent error in the Complaint, which mentioned a domain name other than the disputed domain name.

Article 11.2 of the Regulations provides that the panel in its sole discretion shall determine the admissibility of unsolicited submissions. In this matter the corrected error was obvious from the context of the Complaint, and the Respondent is not prejudiced by it. Consequently, the Panel considers the error correction admissible and shall read the Complaint accordingly.

7. Language of the proceedings

Article 17 of the Regulations provides that “[w]henver the complainant or the respondent neither resides nor is registered in the Netherlands, proceedings shall be conducted in the English language. In exceptional circumstances however (such as when both parties appear to have full command of the Dutch language), the Center (subject to the panel’s determination) or panel may decide that proceedings are to be conducted in Dutch, or that the complainant or the respondent may make submissions in Dutch”.

The Complainant, being a Swiss company, therefore correctly filed the Complaint in the English language. The Response was, however, filed in Dutch, without requesting a change of language and without there seeming to be exceptional circumstances which would justify such change of language.

In this matter the Complainant could have required the Respondent to submit an English translation of his communication. However, as the Complainant’s filing of its request to correct an error of July 31, 2024 was made with reference to and in direct reply to the Response without the Complainant objecting against the use of Dutch in the Response, and also the mediation was concluded without the Complainant having asked for a translation, the Panel shall accept the Response in the Dutch language for practical reasons, but determines that the proceedings shall be in English (e.g., *Betty Blue S.P.A. v. Hugo Vis*, WIPO Case No. [DNL2021-0025](#)).

8. Discussion and Findings

Based on article 2.1 of the Regulations, a request to transfer a domain name must meet three cumulative conditions:

(a) The disputed domain name is identical or confusingly similar to:

I. a trademark, or trade name, protected under Dutch law in which the complainant has rights; or

II. a personal name registered in the General Municipal Register (‘gemeentelijke basisadministratie’) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and

(b) the Respondent has no rights to or legitimate interests in the disputed domain name; and

(c) the disputed domain name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar

With regard to the assessment of identity or confusing similarity, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP

Questions, Third Edition ([“WIPO Overview 3.0”](#))).² It is also well-established precedent that the country code Top-Level Domain “.nl” (“ccTLD”) may be disregarded in assessing confusing similarity between the trademark on the one hand and the disputed domain name on the other hand (see, e.g., *Roompot Recreatie Beheer B.V. v. Edoco LTD*, WIPO Case No. [DNL2008-0008](#)).

Applying the criteria of article 2.1 of the Regulations, and finding that the Complainant’s EU trademarks VERISURE as identified above in paragraph 4 are trademarks protected under Dutch law, the Panel finds that the disputed domain name incorporates the Complainant’s VERISURE trademarks in their entirety, with the mere addition of “claim”, which addition does not prevent a finding of confusing similarity under the Regulations.

Consequently, the Panel finds that the requirement of article 2.1(a) of the Regulations has been satisfied.

B. Rights or Legitimate Interests

Article 2.1(b) of the Regulations requires the Complainant to demonstrate that the Respondent has no rights to or legitimate interests in the disputed domain name. This condition is met if the Complainant makes out a prima facie case that the Respondent has no such rights or legitimate interests and if the Respondent fails to rebut this (see, e.g., *Technische Unie B.V. and Otra Information Services v. Technology Services Ltd.*, WIPO Case No. [DNL2008-0002](#)).

The Complainant put forward that the Respondent has no rights in the name “verisureclaim” and was not authorized to use the VERISURE trademarks in the disputed domain name. The Respondent rather alleged that he has a legitimate interest in the disputed domain name because of alleged misconduct regarding bonus and/or salary payments that would affect (former) employees of the Complainant, which would entitle such (former) employees to claim damages, and which he needs to communicate to such (former) employees through a website under the disputed domain name. And because these (former) employees may have a claim on the Complainant, the Respondent allegedly chose to register and use a domain name which includes the VERISURE trademarks of the Complainant, to signal the nature of his services. The Panel emphasizes that this administrative procedure is not intended to resolve legal disputes between parties; for that, a dispute should be submitted to the court of competent jurisdiction. The parties dispute, inter alia, whether or not the Respondent’s contentions regarding the Complainant’s bonus and salary policy are justified, but this particular (employment benefits) matter is outside the scope of the Regulations.

According to article 3.1 of the Regulations the “complainant must demonstrate that the registrant has no rights to or legitimate interests in the domain name. The registrant may demonstrate such rights or legitimate interests on its part inter alia through the following circumstances (..) c. the registrant is making a legitimate noncommercial use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish or otherwise damage the relevant trademark (..).” The disputed domain name resolves to a website indicating that it is a product of the Respondent’s professional law firm which offers his products, such as a claim calculation and standard letters to submit a claim and/or interrupt the limitation period, for a fee, and encourages (former) employees to possibly retain his services to pursue the claim. The disputed domain name is therefore clearly intended for commercial purposes.

However, article 3.1 of the Regulations is not exhaustive, and legitimate interests in the disputed domain name may be found in situations other than provided in the examples in the Regulations if there is fair use despite the commercial use of the disputed domain name. The Panel finds that the disputed domain name was not registered and used for legitimate purposes but rather for the benefit of the Respondent. The Panel finds that the Respondent does not so much use the disputed domain name to notify Internet users of a potential claim against the Complainant or misconduct by the Complainant, but instead primarily to sell

²In view of the fact that the Regulations are based on the Uniform Domain Name Dispute Resolution Policy (“UDRP”), it is well established that cases decided under both the Regulations and the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (see, e.g., *LEGO Juris A/S v. Stichting RIBW ZWWF*, WIPO Case No. [DNL2011-0042](#) and *Arie Hendrik den Draak v. RAPIDE Internet*, WIPO Case No. [DNL2019-0013](#)).

Internet users a calculation tool and a demand letter, such that the disputed domain name is registered and used for commercial gain, without the Respondent having shown that it is imperative for the domain name to include the Complainant's trademark. See Court of Justice EU March 17, 2005, ECLI:EU:C:2005:177, (*Gillette/LA-Laboratories*), paragraph 35: "*it is sufficient to note that such use of a trade mark is necessary in cases where that information cannot in practice be communicated to the public by a third party without use being made of the trade mark of which the latter is not the owner (...). As the Advocate General has pointed out (...), that use must in practice be the only means of providing such information*". After all, the Respondent may also be able to offer these services and refer to the Complainant, for example, on its firm's regular website.

Consequently, the Panel finds that the Complainant has satisfied the requirement of article 2.1(b) of the Regulations.

C. Registered or Used in Bad Faith

Article 2.1(c) of the Regulations requires the Complainant to show that the disputed domain name was registered or is being used in bad faith.

It is not disputed that the Respondent had the Complainant's VERISURE trademarks in mind when he registered the disputed domain name, as the Respondent's belief that "it is not possible to make (former) employees aware of their rights without using the name Verisure on the website", affirms that he required the disputed domain name which includes the Complainant's trademarks, and also reflects the purpose of the website. As decided above in paragraph 8.B the Panel holds this, however, not true as it is not strictly necessary to include the Complainant's trademarks in a domain name which provides its services to third parties. As the Panel found that the Respondent lacked rights or legitimate interests in respect of the disputed domain name, the disputed domain name has also been registered in bad faith.

The Panel is therefore satisfied that the Complainants have met the requirement of article 2.1(c) of the Regulations.

9. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the disputed domain name <verisureclaim.nl> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Panelist

Date: December 6, 2024