

## **ADMINISTRATIVE PANEL DECISION**

Arcadis N.V. v. Patriciu Rares Petridean  
Case No. DRO2023-0008

### **1. The Parties**

The Complainant is Arcadis N.V., Netherlands (Kingdom of the), represented by Merkenbureau Knijff & Partners B.V., Netherlands (Kingdom of the).

The Respondent is Patriciu Rares Petridean, Romania.

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

The disputed domain name <arcadis.ro> (“Disputed Domain Name”) is registered with ROTLD (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2023. On July 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 27, 2023, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 2023, 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 amendment to the Complaint on August 10, 2023.

On July 28, 2023, the Center informed the parties in Romanian and English, that the language of the registration agreement for the Disputed Domain Name (the “Registration Agreement”) is Romanian. On August 7, 2023, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment to the Complainant’s submission.

The Center verified that the Complaint together with the amendments to the 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 August 11, 2023. In accordance with the Rules, paragraph 5, the due date for the Response was August 31, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 1, 2023.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on September 8, 2023. 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 global company active in design, engineering and management consulting, and has been using its current company name Arcadis since 1997. The Complainant owns various word and figurative trademarks for or containing ARCADIS ("Complainant's Trademark") around the globe.

The relevant trademark registrations include, *inter alia*, International Trademark Registration No. 685022 for the mark ARCADIS (figurative) registered on November 20, 1997 in Classes 35, 37, 40, and 42, and

International Trademark Registration No. 1338353 for the mark **ARCADIS** registered on February 22, 2016 in Classes 35, 36, 37, 39, 40, 41, 42, 44, and 45.

The Complainant's Trademark is also fully incorporated in the Complainant's domain name <arcadis.com> ("Complainant's Domain Name") which resolves to the Complainant's website.

The Disputed Domain Name was registered by the Respondent on February 25, 2019. At the date of this decision, the Panel notes that the Disputed Domain Name resolves to a website showing a contact form with the browser tab stating "under construction" and labelling the website as "not secure". The contact form is in Romanian and invites users to enter their email address and telephone number and leave a message.

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

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

- (a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Complainant's Trademark is reproduced in its entirety in the Disputed Domain Name. The only difference between the Disputed Domain Name and the Complainant's Trademark is the Respondent's use of a country code Top Level Domain ("ccTLD"), which may be disregarded.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent has not obtained any authorization from the Complainant to use the Complainant's Trademark as part of a domain name or otherwise. The Respondent is not known by the Disputed Domain Name. Moreover, the Disputed Domain Name is likely being used to generate financial gain from the Complainant, which does not constitute a *bona fide* offering of goods or services or legitimate or fair use of the Disputed Domain Name.
- (c) Both the Respondent's registration and use of the Disputed Domain Name establishes the Respondent's bad faith. Given the Complainant's international registrations for the Complainant's Trademark, the Respondent must have had actual knowledge of the existence of the Complainant's rights in the Complainant's Trademark when the Respondent registered and used the Disputed Domain Name to generate financial gain from the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Language of Proceedings**

The Complaint was filed in English. The language of the Registration Agreement is Romanian. On August 7, 2023, the Complainant confirmed its request that English be the language of the proceedings. The Complainant submits that the Respondent is able to communicate in English. On August 2, 2023, the Respondent sent an email to the Complainant in Romanian proposing to transfer the Disputed Domain Name to the Complainant immediately in return for EUR 500. Upon the Complainant's request, the Respondent sent the same email in English on August 3, 2023.

Pursuant to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Panel is mindful of the requirement of paragraph 10(b) of the Rules which provides that in all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. The Panel observes that the Center has issued its case-related communications in both Romanian and English. The Respondent has chosen not to participate in the proceedings and he has been notified of his default in both Romanian and English. The Panel is satisfied that the Center's approach has been fair and appropriate (see *Fissler GmbH v. Chin Jang Ho*, WIPO Case No. [D2008-1002](#)).

Further, in ensuring fairness in the selection of language, the Panel shall take into consideration the parties' level of comfortability with each language, as well as the expenses to be incurred and the possibility of delay in the proceedings if translation is required (See *Deutsche Messe AG v. Kim Hyungho*, WIPO Case No. [D2003-0679](#)). In the present case, the Panel is satisfied that the Respondent demonstrates sufficient understanding of the English language, and notes that if the Complainant were to submit all documents in Romanian, the proceedings will be unduly delayed and the Complainant would have to incur substantial expenses for translation.

Therefore, the Panel determines under paragraph 11(a) of the Rules that English shall be the language of the present proceedings, but on the condition that the Respondent shall be permitted to submit any documents or assertions in Romanian.

### **6.2 Substantive Issues**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark 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 by the Respondent in bad faith.

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

The Panel accepts that the Complainant has rights in the Complainant's Trademark, based on its various trademark registrations such as those listed in Section 4.

The Disputed Domain Name incorporates the Complainant's Trademark in its entirety. Furthermore, it is well established that the ccTLD, ".ro" in this case, may be disregarded. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

As such, the Panel finds that the Disputed Domain Name is identical to the Complainant's Trademark, and accordingly, paragraph 4(a)(i) of the Policy is satisfied.

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

The Panel accepts that the Complainant has not authorized the Respondent to use the Complainant's Trademark. There is no relationship between the Complainant and the Respondent, which would otherwise entitle the Respondent to use the Complainant's Trademark. Accordingly, the Panel is of the view that a *prima facie* case has been established by the Complainant and it is for the Respondent to show rights or legitimate interests in the Disputed Domain Name.

Once a complainant establishes a *prima facie* case in respect of the lack of rights or legitimate interests of a respondent in a disputed domain name, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the disputed domain name. Where the respondent fails to do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent did not submit a formal Response. The fact that the Respondent did not submit a formal Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a formal Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Names by demonstrating any of the following:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or name corresponding to the Disputed Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel agrees with the Complainant that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become known by the Disputed Domain Name.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or name corresponding to the Disputed Domain Name, is in connection with a *bona fide* offering of goods or services or be regarded as legitimate noncommercial or fair use. Rather, it appears from the online contact form on the Respondent's website that the Dispute Domain Name is being used for phishing purposes and, subsequently, for soliciting payment from the Complainant.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Disputed Domain Name incorporates the Complainant's Trademark in its entirety. A quick Internet search conducted by the Panel shows that the top search results returned for the keyword "arcadis" relate to the Complainant's services and/or third party websites providing information relating to the Complainant's services. Therefore, the Panel agrees with the Complainant that the Respondent must have been aware of the Complainant and its rights in the Complainant's Trademark when registering and using the Disputed Domain Name.

In addition, the Panel finds that the following factors support a finding that the Disputed Domain Name was registered and has been used by the Respondent in bad faith:

- (i) The Respondent offered to sell the Disputed Domain Name to the Complainant for EUR 500 upon knowing the Complainant filed the present proceedings. The Panel finds the Respondent's email communicating this offer to be admissible, as the offer is relevant to assessing the Respondent's motivations, and the Respondent did not object to its admissibility. The Respondent's offer to sell the Disputed Domain Name for EUR 500 is likely more than its out-of-pocket costs in connection with the Disputed Domain Name, which suggests that the Respondent intended to capitalize on the Complainant's rights in the Complainant's Trademark (in addition to using the Disputed Domain Name for phishing purposes). See section 3.10 of the [WIPO Overview 3.0](#).
- (ii) By using the Disputed Domain Name to trick Internet users into revealing their personal information, the Respondent is capitalizing on the Complainant's reputation and goodwill for possibly malicious intent (see *Accenture Global Services Limited v. Domain Privacy, Above.com Domain Privacy*, WIPO Case No. [D2021-0481](#)).
- (iii) In any event, it is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that the Disputed Domain Name is identical to the Complainant's Trademark and the Complainant's Domain Name (except for the TLD). Also, as discussed above, the Respondent lacks rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)).
- (iv) The Respondent failed to respond to the Complainant's contentions and has provided no evidence of his actual or contemplated good faith use of the Disputed Domain Name.

### 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, <arcadis.ro>, be transferred to the Complainant.

/Gabriela Kennedy/

**Gabriela Kennedy**

Sole Panelist

Date: September 22, 2023