



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 0703475E

Determination DEFAULT

I. PARTIES

Complainant(s): Veolia Environnement SA (FR).
Complainant's authorized representative: IP Twins (FR)

Respondent(s): Domains By Proxy LLC, Arizona (US).

II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR

Domain Name: veolia.fun
Registry Operator: Radix Technologies Inc.
Registrar: Go Daddy, LLC.

III. PROCEDURAL HISTORY

Complaint submitted: 13 September 2024
Lock of the domain name: 23 September 2024
Notice of Complaint: 26 September 2024
Default Date: 10 October 2024
Notice of Default: 11 October 2024
Panel Appointed: 11 October 2024
Default Determination issued: 15 October 2024

IV. EXAMINER

Examiner's Name: Bart Van Besien

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant asserts the following: The Complainant is the holding company of the VEOLIA group that employs 218,000 employees worldwide. It designs and provides solutions for water, waste and energy management. It has trademark rights in the term “VEOLIA”. Its trademarks are well-known worldwide.

B. Respondent:

The Respondent did not file an administrative compliant (or any) response and, thus, did not refute the claims of the Complainant.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

C. Findings of fact:

The disputed domain name was registered on 17 October 2023.

The Complainant has proved evidence that it is the owner of the following registered trademarks (hereafter individually or collectively referred to as the “VEOLIA Trademark” or the “VEOLIA Trademarks”):

- International word trademark, application number 919580, registration number 919580, US serial number 79036726, US registration number 3543738, filed on 10 March 2006, registered on 9 December 2008, in classes 9, 11, 16, 35, 36, 38, 40, 41, 42;
- International word trademark, application number 814678, registration number 814678, registered on 11 September 2003, in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42.

On 6 February 2024, the Complainant sent an email to the email address “abuse@godaddy.com”, mentioning that the domain name “VEOLIA.fun” constitutes a form of cybersquatting and an infringement of the rights of the Complainant.

E. Reasoning:

Even though the Respondent has defaulted, URS Procedure 1.2.6 requires the Complainant to make a *prima facie* case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name should be suspended:

1. The domain name is identical or confusingly similar to a word mark

URS 1.2.6.1 (i) covers the domain name at issue. The Complainant has submitted evidence that it holds two registered *word* trademarks:



- International word trademark, application number 919580, registration number 919580, US serial number 79036726, US registration number 3543738, filed on 10 March 2006, registered on 9 December 2008, in classes 9, 11, 16, 35, 36, 38, 40, 41, 42;
- International word trademark, application number 814678, registration number 814678, registered on 11 September 2003, in classes 1, 6, 9, 11 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42.

The applicable Top-Level Domain (“TLD”) “.fun” is viewed as a standard registration requirement and is as such disregarded under the first element confusing similarity test.

The disputed domain name consists of the Complainant’s VEOLIA Trademark(s) (word element “VEOLIA”, taken in its entirety).

The Examiner finds that the disputed domain name is identical to the VEOLIA Trademark(s) of the Complainant and, therefore, the Complainant has met the first requirement of paragraph 1.2.6 of the URS Procedure.

2. Respondent has no rights or legitimate interests to the domain name

The Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent is not affiliated with the Complainant. The Respondent has not been authorized by the Complainant to use the VEOLIA Trademark or to register any domain name incorporating the VEOLIA Trademark. The Respondent has no prior rights or legitimate interests in the disputed domain name. According to the Complainant, the similarity to the VEOLIA Trademark shows that the Respondent was aware of the existence of the VEOLIA Trademark. Taking this into account, the Respondent cannot pretend it intended to develop a legitimate activity through the disputed domain name.

The Respondent has not submitted a Response to the Complaint and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the disputed domain name.

The Examiner notes that there is no evidence of any rights or legitimate interests of the Respondent in the disputed domain name. There is no evidence of any similar or identical trademarks owned by the Respondent. There is no indication of any authorization to use the Complainant’s VEOLIA Trademarks. There is no indication that the Respondent is otherwise related to the Complainant’s business. There is no evidence that the Respondent has been commonly known, as an individual, business, or other organization, as “VEOLIA” or “VEOLIA.fun”.

For all of the above reasons, the Examiner determines that, the Complainant has satisfied the second requirement of paragraph 1.2.6 of the URS Procedure and the Respondent does not have legitimate rights or interests to the domain name.

3. The domain name was registered and is being used in bad faith

The Complainant claims that it is likely that the disputed domain name was registered for the purpose of selling it to the Complainant. The Complainant also argues that the disputed domain name directs towards an inactive website, and that the mere failure to make an active use of the disputed domain name is indicative of bad faith registration and use pursuant the URS Procedure. Moreover, the Complainant argues that, since the VEOLIA Trademark is neither generic nor descriptive, the Respondent intentionally chose the VEOLIA Trademark to include it in the domain name. Since the disputed domain name is identical to the VEOLIA Trademarks, a likelihood of confusion is presumed, and such confusion will result in the diversion of internet traffic from the website of the Complainant to the website of the Respondent.

The Examiner notes that, in general terms, there are no circumstances known to the Examiner that refute the Complainant's claims of bad faith registration or bad faith use.

The Examiner notes the following:

The Respondent did not refute the claims of the Complainant.

The disputed domain name is identical to the VEOLIA Trademarks.

The disputed domain name resolves to a landing page.

The Complainant has sent an e-mail on 6 February 2024 to the registrar of the domain name (the only contact details available to the Complainant as per the WhoIs information), mentioning that the disputed domain name constituted an infringement of the Complainant's trademark rights. From the information available to the Examiner, it seems that this email remained unanswered.

One of the VEOLIA Trademarks is valid in the United States of America, which seems to be the location of the Respondent (as per the WhoIs information).

The Examiner finds that it is more than likely that the Respondent intentionally attempts to attract, for commercial gain, internet users to its website, by creating a likelihood of confusion with the VEOLIA Trademarks as to the source, affiliation, or endorsement of its website, which is evidence of bad faith use and registration, in accordance with the paragraph 1.2.6.3.d of the URS Procedure.

Taking the above into account, the Examiner finds that the Respondent must have had constructive knowledge of the Complainant's registered VEOLIA Trademarks at the time of registration and use of the disputed domain name. This knowledge indicates the Respondent's bad faith use and registration.

The Examiner concludes that the Respondent has intentionally attempted to attract for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's registered VEOLIA Trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This is evidence of bad faith use and registration, in accordance with the paragraph 1.2.6.3 of the URS Procedure.

4. Abusive Complaint

The Complaint was neither abusive nor contained material falsehoods.



VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name: veolia.fun

Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Bart

Surname: Van Besien

Date: 2024-10-15