



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

URS DISPUTE NO. 3B01E511

Determination DEFAULT

I. PARTIES

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

Respondent(s): REACTIVATION PERIOD, Withheld for Privacy Purposes (IS)

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name(s): VEOLIA.STORE
Registry Operator: Radix FZC DMCC
Registrar: NameCheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2023-10-05 09:00
Lock of the domain name(s): 2023-11-23 19:08
Notice of Complaint: 2023-11-23 21:55
Default Date: 2023-12-08 00:00
Notice of Default: 2023-12-08 09:24
Panel Appointed: 2023-12-08 09:24
Default Determination issued: 2023-12-11 17:15

IV. EXAMINER

Examiner's Name: Mariia Koval

The Examiner certifies that she has acted independently and impartially and to the best of her 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, incorporated in 1853, is a French transnational company active in the water management, waste management and energy services. Through its business activities, the Complainant helps to develop access to resources, preserve available resources, and replenish them.

The Complainant is the owner of the following VEOLIA trademark registrations (hereinafter “the Complainant’s Trademark”):

- United States trademark No. 3543738, registered since December 9, 2008, in respect of goods and services in classes 16, 35, 37, 39, 40, 42;
- International trademark No. 814678, registered since September 11, 2003, in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42.

The Complainant contends that the disputed domain name is at least confusingly similar to the Complainant’s Trademark, since the disputed domain name reproduces Complainant's Trademark in its entirety with the mere addition of the “.store” New gTLD.

The Complainant further claims that the Respondent has no legitimate right or interest to the disputed domain name. The Respondent is not affiliated with the Complainant in any way and has not been authorized by the Complainant to use the Complainant’s Trademark or to seek registration of any domain name incorporating the Complainant’s Trademark. Furthermore, the Respondent has no prior rights or legitimate interest in the disputed domain name or in the Complainant’s Trademark. The disputed domain name is so similar to the Complainant's well-known Trademark that the Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name. In light of the reputation of Complainant's Trademark, there is no doubt that Respondent was aware of the existence of the Complainant's Trademark.

The Complainant also asserts that that the disputed domain name was registered and is being used in bad faith. The disputed domain name is currently inactive. Furthermore, since the term “VEOLIA” is neither generic nor descriptive, it is not a coincidence that the Respondent selected it to include it in the disputed domain name. As the disputed domain name is identical or confusingly similar to the Complainants' Trademark, it is clear that a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's inactive site.

B. Respondent:

The Respondent did not submit a Response to the Complaint.

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.

D. Findings of fact:

The registration date of the disputed domain name is November 3, 2022.



The Complainant owns a number of the trademark registrations, consisting in the distinctive term “VEOLIA”, around the world, in particular, but not limited to:

- United States trademark No. 3543738, registered since December 9, 2008, in respect of goods and services in classes 16, 35, 37, 39, 40, 42;
- International trademark No. 814678, registered since September 11, 2003, in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42.

The Complainant operates the domain name <veolia.com> and the related website for the promotion of its goods, and has accounts in the social networks Facebook, Instagram, LinkedIn, X and YouTube.

At the date of this Determination, the website under the disputed domain name is inactive.

On 10 August, 2023, the Complainant sent a cease and desist letter to the Respondent through the Registrar, but no response was received from the Respondent.

E. Reasoning:

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

Even despite 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 the Complainant to succeed, it must establish that each of the three following conditions under 1.2.6 URS Procedure are satisfied:

- That the disputed domain name is identical or confusingly similar to a word mark;
- That the Registrant has no legitimate right or interest to the disputed domain name;
- That the disputed domain name was registered and is being used in bad faith.

1. The domain name(s) is(are) identical or confusingly similar to a word mark

Under the Paragraph 1.2.6.1 of the URS Procedure, the Complainants shall prove “that the registered domain name is identical or confusingly similar to a word mark: (i) for which the Complainant holds a valid national or regional registration and that is in current use”.

The Complainant contends that the dispute domain name is identical or confusingly similar to a word mark for which the Complainant holds a valid national or regional registration and that is in current use. The Complainant has provided sufficient evidence to prove its existing ownership to and use of the registered trademark “VEOLIA”.

The disputed domain name incorporates the Complainant’s Trademark in its entirety with the addition of the TLD suffix “.store”. The addition of the TLD “.store” does not affect the finding of confusing similarity of the disputed domain name to the Complainant’s Trademark.

Therefore, the Examiner finds that the disputed domain name is confusingly similar to the Complainant’s trademark and consequently the Examiner finds that requirement set forth under Paragraph 1.2.6.1. of the URS Procedure has been satisfied.

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

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the domain name(s), and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent has no legitimate right or interest to the disputed domain name, providing evidence in confirmation of this assertion.

The Respondent, in the absence of any response, has not shown any facts or elements to justify rights or legitimate interests in the disputed domain name.

According to the Complaint, the Respondent is not affiliated with the Complainant in any way and has not been authorized by the Complainant to use the Complainant's Trademark or to seek registration of any domain name incorporating the Complainant's Trademark.

The Respondent, which has no connection with the Complainant, does not seem to have legitimate interests or rights in the registration and in the use of the disputed domain name. The website under the disputed domain name is inactive and is consequently deprived of any real and substantial offer of goods and/or services. Internet users may incorrectly believe the website belongs to the Complainant but is not functioning correctly.

The Examiner finds that the Complainant has met its burden and established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and the Respondent has not rebutted the assertion.

Based on the above, the Examiner finds that the Respondent lacks rights or legitimate interests with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.5.2 of the URS Procedure.

3. The domain name(s) was(were) registered and is(are) being used in bad faith

According to URS Procedure 1.2.6.3, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. URS Procedure 1.2.6.3 identifies non-exclusive list of circumstances that Examiner could consider as constituting bad faith.

The Respondent registered the disputed domain name years after the registration and use of the Complainant's Trademark. In consideration of the reputation achieved by such mark worldwide, it is clear that the Respondent was very well aware of the Complainant's Trademark when he registered the disputed domain name.

The disputed domain name is not associated with any active website since its registration date (November 3, 2022). It is well established case law that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see by analogy *Telstra Corporation Limited v. Nuclear Marshmallows* WIPO Case No. D2000-0003).

Finally, the Respondent, not participating in these proceedings, has failed to indicate any facts and/or evidence, which would show the good faith registration and use of the disputed domain name.

In the absence of any explanation from the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the Complainant's Trademark demonstrating the bad faith registration and use of the disputed domain name and disrupts the Complainant's business.



For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.3 as the Respondent registered the disputed domain name and is using it in bad faith.

4. Abusive Complaint

The Examiner finds that 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(s): VEOLIA.STORE 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: Mariia
Surname: Koval
Date: 2023-12-13