



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

**URS DISPUTE NO. 7A501FB4**

Determination DEFAULT

**I. PARTIES**

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

Respondent(s): Contact Privacy Inc. Customer 7151571251 (CA)

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

Domain Name(s): VEOLIA.ONE  
Registry Operator: One.com A/S  
Registrar: Squarespace Domains II LLC

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-10-05 09:00  
Lock of the domain name(s): 2023-11-27 19:24  
Notice of Complaint: 2023-11-28 09:04  
Default Date: 2023-12-13 00:00  
Notice of Default: 2023-12-13 19:04  
Panel Appointed: 2023-12-13 19:04  
Default Determination issued: 2023-12-18 05:33

**IV. EXAMINER**

Examiner's Name: Ankur Raheja

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, established in the 19th Century, is the holding company of the Veolia group, which represented in 2022 a total of EUR 47,885 million in revenue. With nearly 220,000 employees worldwide, the group designs and provides game-changing solutions for water, waste and energy management. The Complainant is the holder of VEOLIA trademarks, including United States trademark registration number 3543738 dated December 9, 2008 and WIPO trademark registration number 814678 dated September 11, 2003.

The Complainant alleges that the disputed domain name is identical or at least confusingly similar to the trademark VEOLIA. Indeed, it reproduces Complainant's trademark in its entirety with the mere addition of the new gTLD extension '.one'. Further, the Respondent has no prior rights or legitimate interest in the domain name or in the trademark VEOLIA. The domain name in dispute is so similar to Complainant's well-known trademark VEOLIA that Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the domain name.

The Complainant further adds that since the mark VEOLIA is neither generic nor descriptive, is not a coincidence that the Respondent selected it to include it in the disputed domain name, despite having received TMCH notice. The mere failure to make an active use of the disputed domain name is indicative of bad faith registration and use pursuant to the URS Procedure. As the disputed domain name is identical/confusingly similar to 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 Complainant's site to Respondent's inactive website.

## **B. Respondent:**

The Respondent did not submit the Response.

## **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 disputed domain name was registered on March 13, 2022.

The Complainant has demonstrated that it has registered rights in the word mark VEOLIA in various jurisdictions, including USA. The mark is distinctive / arbitrary and a Google search for VEOLIA reveals results related to the Complainant only. The disputed domain name contains the mark in its entirety, combined with the new gTLD '.one'.

The disputed domain name is passively held, redirects user to different website at <verilus.com>. This site displays a message stating "this domain may be for sale, contact us today", accompanied by a form to submit an offer for the domain name. The WHOIS for the disputed domain name has privacy protection enabled. Nevertheless, the WHOIS details for <verilus.com> disclose that the Respondent is located in California, USA.

## **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 though the Respondent has defaulted, URS Procedure 1.2.6 requires 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.

For the Complainant to succeed, it must establish that each of the three following conditions under 1.2.6 URS Procedure is 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**

The Complainant has registered various trademarks for VEOLIA starting 2003. The Complainant annexes details of two trademark registrations, that includes the registration with the United States Patent and Trademark Office (USPTO registration number 3543738 dated December 9, 2008 under class 16, 35, 37 39, 40 and 42) and International registration before World Intellectual Property Organization (WIPO registration number 814678 dated September 11, 2003 under class 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42 designating over 10 countries). The active use of the trademark is evident from the Complainant's official website at <veolia.com> and a simple Google search.

The disputed domain name contains the Complainant's mark in its entirety. The incorporation of the Complainant's registered mark in the domain name is sufficient to establish identity or confusing similarity for purposes of the URS Procedure. Besides, it is well-established that the extension in a disputed domain name does not affect a finding of identity or confusing similarity, because it is technically required for the operation of a domain name. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD, including with regard to new gTLDs.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.1 of the URS Procedure have been satisfied.

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

The disputed domain name contains Complainant's mark in entirety. The Complainant has neither authorized the Respondent to make use of its mark in any manner nor is the Respondent known by the disputed domain name. The disputed domain name currently redirects to <verilus.com>, indicating the disputed domain name is for sale. The disputed domain name comprises of a distinctive trademark rather than a common dictionary term or a generic term that would typically be available for purchase by anyone.

This is neither an evidence of bonafide offering of goods or services, nor a legitimate non-commercial or fair use of the disputed domain name. The Complainant has met its burden by

presenting a prima-facie case in this URS dispute, while the Respondent has provided no Response to the Complaint.

Based on the above, the Examiner finds that the Respondent lacks any rights or legitimate interests with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.6.2 of the URS Procedure.

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

The disputed domain name is identical to the Complainant's distinctive mark VEOLIA. The trademark is registered in several territories, including the USA, which appears to be where the Respondent is based. It is likely that the Respondent was alerted about this trademark by the Trademark Clearing House when registering the disputed domain name. In the facts and circumstances of this case, the registration of the disputed domain name does demonstrate Respondent's actual knowledge of and familiarity with Complainant's distinctive trademark.

Further, the disputed domain name (based upon a distinctive trademark) is being utilized solely to induce visitors to make an offer of sale. In the given facts and circumstances, the use of the disputed domain name is abusive in terms of the Paragraph 5.9 of the URS Procedure, which inter alia provides: *'Trading in domain name for profit, and holding a large portfolio of domain names, are themselves not indicia of a bad faith under the URS. Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute.'*

A Google search for "VEOLIA" reveals the Complainant's use of multiple top-level domains (TLDs) such as .com and .org, as well as country-code TLDs like .co.uk and .in, to provide services under its distinctive trademark. The use of the disputed domain name could certainly cause confusion and likely lead to the diversion of Internet traffic from Complainant's site to Respondent's inactive website, as the Complainant contends. The aforesaid use is in violation of Paragraph 1.2.6.3 of the URS Procedure.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3 of the URS Procedure have been satisfied by the Complainant.

### **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: VEOLIA.ONE

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: Ankur

Surname: Raheja

Date: 2023-12-18