



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

**URS DISPUTE NO. 968CBC25**

Determination DEFAULT

**I. PARTIES**

Complainant: VEOLIA ENVIRONNEMENT – VE (FR)  
Complainant's authorized representative(s): IP TWINS SAS, Tristan Verna, (FR)

Respondent(s): Contact Privacy Inc. Customer 1246637886 (CA)

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

Domain Name(s): VEOLIAWATER.PAGE  
Registry Operator: Charleston Road Registry Inc.  
Registrar: Google LLC.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2020-07-09 18:12  
Lock of the domain name(s): 2020-07-14 01:36  
Notice of Complaint: 2020-07-14 14:30  
Default Date: 2020-07-29 00:00  
Notice of Default: 2020-07-29 21:57  
Panel Appointed: 2020-07-29 22:16  
Default Determination issued: 2020-07-31 10:46

**IV. EXAMINER**

Examiner's Name: Lars Karnøe

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

### **Complainant:**

The Complainant is the holding company of Veolia group, a 160 years old group, which represents today a total of EUR 27.189 billion in revenue.

Complainant is the holder of the trademark VEOLIA. The latter is well-known, widely used, protected worldwide in relation to water, waste and energy services.

Complainant sent a cease-and-desist letter to the registrar by e-mail. So far, Complainant has not received any reply. The registrar replied by suggesting that Complainant should contact Respondent.

Complainant owns the following trademark registrations:

- American trademark VEOLIA number 3543738 in classes 16, 35, 37, 39, 40 and 42;
- International trademark VEOLIA number 814678 in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42

The Complainant asserts the following:

The disputed domain name is 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 .page and the word "water", which refers to Complainant's activity. It is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity.

Respondent is not affiliated with Complainant in any way and has not been authorized by Complainant to use its trademarks or to seek registration of any domain name incorporating the said marks.

Furthermore, 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. In light of the reputation of Complainant's trademark VEOLIA, there is no doubt that Respondent was aware of the existence of Complainant's trademark.

Respondent also registered the domain name despite having received a notification stating that the domain name matches a trademark registered in the TMCH. In the end, it is possible that Respondent registered the domain name for the purpose of selling the domain name to Complainant.

The domain name is currently inactive. The requirement of use in bad faith does not require that Complainant proves in every instance that Respondent is taking positive action. 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.

Furthermore, since the VEOLIA is neither generic nor descriptive, is not a coincidence that Respondent selected it to include it in the disputed domain name.



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 site.

**B. Respondent:**

The Respondent has not filed an official response within the deadline.

**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 Procedure 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 as below:

<veoliawater.page>: 2020-03-09

Despite 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.

[URS 1.2.6.1] The registered domain name(s) is/are 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; or
- (ii) that has been validated through court proceedings; or
- (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

**E. Reasoning:**

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

To satisfy URS 1.2.6.1, a Complainant needs to prove its rights in a word mark and the domain name(s) is/are identical or confusingly similar to the word mark.

In the present case, the Examiner finds that the Complainant is a well-known footwear manufacturer who also owns trademark registrations for VEOLIA in different jurisdictions.

The Complainant claims that the Disputed Domain Name is confusingly similar to the VEOLIA trademark. The Examiner accepts that the additional term “water” does not alter the underlying trademark or negate the confusing similarity and it does not sufficiently differentiate the Disputed Domain Names from that trademark.

In addition, the Examiner also finds that the “.page” generic top-level domain (“gTLD”) does not prevent the finding of confusing similarity under the first element.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1 as the disputed domain name is confusingly similar to the Complainant’s registered trademarks.

## **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 prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent has not been authorized by the Complainant to use the trademark VEOLIA in the Disputed Domain Name or the content of the website. The Respondent’s use is not a legitimate noncommercial or fair use, and is not in connection with a bona fide offering of goods or services.

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.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the domain names.

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

While the disputed domain name has not been put into the active use, previous panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding.

The totality of the circumstances of a particular case has to be taken into account and the following facts of the present dispute demonstrate bad faith on the Respondent’s side:

- (i) The degree of distinctiveness or reputation of the Complainant’s mark – the Complainant’s VEOLIA trademark is highly distinctive and widely used.
- (ii) The failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use of the disputed domain name.
- (iii) The implausibility of any good faith use to which the disputed domain name may be put taking into account the distinctiveness and wide spread use of the Complainant’s trademark and
- (iv) The Respondent’s failure to respond to the Complainant’s cease and desist letter.

The disputed domain name is identical to a high degree to the Complainant’s trademark as the mere addition of the generic term “water” that is descriptive of the Complainant’s services should be disregarded in assessing the identity. As confirmed by WIPO Overview 3.0 the mere registration of a domain name that is identical or confusingly similar to a famous or



widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (par. 3.1.4).

From the evidence available in the present dispute, it clearly appears 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 mark by fully incorporating Complainant's distinctive trademark into the disputed domain name.

This conduct is considered by the URS as a demonstration of bad faith registration and use, under Paragraph 1.2.6.3 (d) 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(s): VEOLIAWATER.PAGE 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: Lars

Surname: Karnøe

Date: 31 July 2020