



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

URS DISPUTE NO. C0C33CB2

Determination DEFAULT

I. PARTIES

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

Respondent(s): WhoisGuard Protected, WhoisGuard, Inc. (PA)

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

Domain Name(s): VEOLIAWATERTECHNOLOGIES.SITE
Registry Operator: DotSite, Inc.
Registrar: Namecheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2020-07-09 18:27
Lock of the domain name(s): 2020-07-14 13:18
Notice of Complaint: 2020-07-15 13:46
Default Date: 2020-07-30 00:00
Notice of Default: 2020-07-31 00:08
Panel Appointed: 2020-07-31 00:13
Default Determination issued: 2020-08-01 23:51

IV. EXAMINER

Examiner's Name: Alejandro Touriño

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 declares that it is the holding company of Veolia group, which is the holder of the following trademark registrations:

- US 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 trademark VEOLIA is well-known, widely used, protected worldwide in relation to water, waste and energy services.

The Complainant contends that the domain name is confusingly similar to the trademark VEOLIA. Indeed, it reproduces the Complainant's trademark in its entirety with the mere addition of the new gTLD extension <.site> and the words "water" and "technologies", which refers to the Complainant's activity and to the company name of a subsidiary of the Veolia group (Veolia Water Technologies).

The Complainant also contends that the Respondent has no legitimate right or interest to the domain name. This is due to the fact that the Respondent is not affiliated with the Complainant in any way and has not been authorized by the Complainant to use its trademarks or to seek registration of any domain name incorporating the said mark.

Furthermore, the Complainant asserts that the domain name was registered in bad faith. This understanding is based on the fact that the domain name is so similar to Complainant's well-known trademark VEOLIA that the Respondent cannot reasonably pretend that it was not aware of the Complainant's trademark and that it was intending to develop a legitimate activity through the domain name.

In addition, the Complainant claims that by using the domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's web site, which resulted to be a parking website, by creating a likelihood of confusion with the Complainant's mark.

Finally, the Complainant sent a cease-and-desist letter to the Respondent, which was never replied.

B. Respondent:

The Respondent did not reply 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 Procedure Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The domain name <veoliawatertechnologies.site> was registered on 28th February 2020. The domain name in question resolves to a parking website.



The complainant has trademark rights in the trademark VEOLIA before the creation of the domain name by 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.

The Respondent did not reply to the Complainant's contentions. However, a Respondent's default does not automatically result in a decision in favour of the Complainant. Indeed, in spite of Respondent's default, URS Procedure requires the Complainant to succeed to establish that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

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

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

The Complainant is the owner of several word trademark registrations for the term VEOLIA, including international trademarks and US trademarks to cover goods and services in classes 1, 6, 9, 11, 17, 19, 32, 35, 36, 37, 39, 40, 41 and 42 and in classes 16, 35, 37, 39, 40 and 42, respectively.

The Complainant has referred to the notoriety of the trademark VEOLIA as an evidence of the extended and well-known use of the trademark in commerce.

The domain name is confusingly similar to the Complainant's trademarks. The new gTLD <.site> and the words "water" and "technologies", which refers to the Complainant's activity and to the company's name can even add likelihood of confusion.

The Examiner thus finds that the complaint meets the requirement of the URS 1.2.6 (i).

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

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances which could demonstrate, pursuant to the URS, any rights or legitimate interests in the disputed domain name. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, the Complainant indeed asserts that it has not authorized the Respondent nor granted the Respondent a license or permission to register the disputed domain name or use its trademarks. In addition, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks or trade names

registered by the Respondent corresponding to the disputed domain name corroborate with the indication of the absence of any right or legitimate interest.

On top of that, the Complainant has proved that the domain name <veoliawatertechnologies.site> resolves to a parking website.

In these circumstances and absent evidence to the contrary, the Examiner finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name and that the requirements of Paragraph 1.2.6 (ii) of the URS Procedure have been satisfied.

3. The domain name was 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.

Among them, it seems clear in the Examiner's view that in the case at hand the Respondent had necessarily constructive knowledge of the Complainant's trademarks when registering the disputed domain name. Indeed, the disputed domain name incorporates the Complainant's VEOLIA trademark in its entirety, with the mere addition of the gTLD <.site> and the words "water" and "technologies", referred to the Complainant's main activity.

In addition, the domain name redirects the users to a parking website, where links such as "waste" are shown, which is indicative of bad faith use pursuant to the URS Procedure. Such use in the Examiner's point of view may create a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of his website and therefore does not qualify as a bona fide use.

In the absence of any explanation from the Complainant, the Examiner finds more likely than not that the Respondent intentionally registered a domain name identical to the Complainant's trademarks to benefit from the good will associated with said trademarks.

In these circumstances, the Examiner finds that the requirements of Paragraph 1.2.6 (iii) of the URS Procedure have been satisfied.

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): VEOLIAWATERTECHNOLOGIES.SITE 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: Alejandro

Surname: Touriño

Date: 1 August 2020