



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

URS DISPUTE NO. D1D8D35A

Determination DEFAULT

I. PARTIES

Complainant(s): SES-IMAGOTAG (FR)
Complainant's authorized representative: Domgate (FR)

Respondent(s): yu qing qing (CN)

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

Domain Name(s): VUSION.INFO
Registry Operator: Identity Digital Limited
Registrar: Alibaba Cloud Computing (Beijing) Co., Ltd.

III. PROCEDURAL HISTORY

Complaint submitted: 2023-12-13 10:27
Lock of the domain name(s): 2023-12-26 23:11
Notice of Complaint: 2023-12-27 08:27
Default Date: 2024-01-11 00:00
Notice of Default: 2024-01-11 15:56
Panel Appointed: 2024-01-11 18:18
Default Determination issued: 2024-01-13 18:39

IV. EXAMINER

Examiner's Name: Paddy Tam

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 is SES-IMAGOTAG of Nanterre, France.

The Complainant is the owner of the trademark VUSION with several international and national trademark registrations worldwide, including but not limited to:

- French trademark VUSION number 4400460 in classes 6, 9, 20, 35 and 42;
- European Union trademark VUSION number 017416488 in classes 6, 9, 20, 35 and 42;
- International trademark VUSION number 1420807 (designating China) in classes 6, 9, 20, 35 and 42;
- International trademark VUSION number 1426878 (designating China) in classes 6, 9, 20, 35 and 42.

B. Respondent:

The Respondent is yu qing qing of China.

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 2023-11-23.

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]

E. Reasoning:

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

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

In the present case, the Examiner is satisfied that the Complainant is a well-known digital solution provider for retailers who also owns trademark registrations for VUSION globally.

The Complainant claims that the Disputed Domain Name is confusingly similar to the VUSION trademark which the Disputed Domain Name is an exact match of Complainant's VUSION trademark. The .info gTLD is the only difference between the Disputed Domain Name and the VUSION trademark and it does not negate the similarity between them.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.1.

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 Disputed Domain Name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that no license or permission of any kind has been given by the Complainant to the Respondent to use Complainant's trademarks. Furthermore, the Complainant contests that the Disputed Domain Name was listed for sale by the Respondent for commercial gain.

The Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Names and the Respondent has not rebutted the assertion within the required Response period.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2.

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

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the domain name are in bad faith.

The Complainant claims that the Respondent has registered the Disputed Domain Name reproducing the well-known brand VUSION in order to attract traffic to the platform selling the Disputed Domain Name. The Disputed Domain Name was used in bad faith since the Disputed Domain Name has been listed for sale by the Respondent until the receipt of the Cease and Desist Letter served by the Complainant.

Having reviewed the screenshots of the website resolved by the Disputed Domain Name, and in the absence of a timely Response submitted by the Respondent, the Examiner agrees that the Respondent's constructive knowledge of the VUSION trademark demonstrating the bad faith registration, disrupts Complainant's business and attempts to commercially benefit off the VUSION trademark in bad faith. See Royalmail Group Limited vs. Anshul Goyal, 837FDF94 (MFSD June 1, 2016).

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3.

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): VUSION.INFO

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: Paddy

Surname: Tam

Date: 2024-01-13