



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

URS DISPUTE NO. D768B89A

Determination DEFAULT

I. PARTIES

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

Respondent(s): GMO-Z.com RUNSYSTEM (VN)

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

Domain Name(s): VEOLIA.WORK
Registry Operator: Minds + Machines Group Limited
Registrar: GMO Internet, Inc. d/b/a Onamae.com

III. PROCEDURAL HISTORY

Complaint submitted: 2020-07-09 18:19
Lock of the domain name(s): 2020-07-14 12:29
Notice of Complaint: 2020-07-14 16:39
Default Date: 2020-07-29 00:00
Notice of Default: 2020-07-29 22:06
Panel Appointed: 2020-07-29 22:17
Default Determination issued: 2020-07-30 08:10

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 Veolia Environment of Paris, France.

The Complainant is the owner of the trademark VEOLIA with several international and national trademark registrations worldwide, including:

- 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, protected in China;

The trademark VEOLIA has also been registered as SMD file for the Trademark Clearinghouse.

B. Respondent:

The Respondent is GMO-Z.com RUNSYSTEM (VN).

The Respondent has not submitted a formal Response within the required period of time.

C. Procedural findings:

(Multiple Complainants: if there is more than one Complainant, the Examiner shall verify if the Complainant(s) has provided adequate arguments and evidence to support the consolidation of multiple Complainants in a single Complaint.

Multiple Respondents: if there is more than one Respondent, the Examiner shall verify if the Complainant has adequately described and proved the relationship between them, which justifies them being named in a common Complaint.

Language of the Determination: the Complaint shall be submitted in English. The Notice of Complaint to the Respondent shall be transmitted in English and the predominant language used in the registrant's country or territory, as determined by the country(ies) listed in the Whois record when the Complaint is filed. The Response may be submitted in English or in one of the languages used for the present Notice of Complaint. The Examiner will determine, in its sole discretion, in which language to issue its Determination. In absence of a Response, the language of the Determination shall be English.

Privacy or proxy service: if one or more domain names are registered with a privacy or proxy service, or the nominal registrant changes after the Complaint is filed, it shall be the sole discretion of the Examiner to determine if the respondents are sufficiently related and to dismiss the Complaint with respect to any unrelated domain names. The Examiner may rely on information submitted by the Complainant and/or the Respondent(s) and on the record of the proceeding in making his/her finding.)

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 January 10, 2020.

The Complainant sent a Cease and Desist letter to the registrar by e-mail on June 3, 2020.



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 is identical or confusingly similar to the word mark.

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

The Complainant claims that the Disputed Domain Name is confusingly similar to the VEOLIA trademark and the ".work" generic top-level domain ("gTLD") does not reduce the likelihood of confusion. By comparing the VEOLIA trademark and the Disputed Domain Name, the Examiner agrees that they are confusingly similar.

For the foregoing reasons, the Examiner finds 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 domain name, 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 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. The Complainant is not in possession of, nor aware of the existence of, any evidence demonstrating that the Respondent might have any prior rights or legitimate interest in the domain name or in the trademark VEOLIA.

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 Name and the Respondent has not rebutted the assertion.

For the foregoing reasons, the Examiner 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 is in bad faith.

The Complainant claims that the Respondent has demonstrated actual knowledge of the VEOLIA trademark by considering the history and reputation of the Veolia brand and having received a notification stating that the domain name matches a trademark registered in the TMCH. Furthermore, the Complainant also contends that VEOLIA is neither generic nor descriptive, is not a coincidence that Respondent selected it to include it in the disputed domain name. In the absence of any explanation from the Respondent, the Examiner agrees that the Respondent likely has actual knowledge of the VEOLIA trademark and the registration and use of the Disputed Domain Name are in bad faith.

For the foregoing reasons, the Examiner finds 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): VEOLIA.WORK

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: 30 July 2020