

ADMINISTRATIVE PANEL DECISION

**Bureau Veritas v. Domain ID Shield Service CO., Limited / Irfan Siddique,
NS Technologies
Case No. D2022-0078**

1. The Parties

The Complainant is Bureau Veritas, France, represented by Novagraaf France, France.

The Respondent is Domain ID Shield Service CO., Limited, Hong Kong, China / Irfan Siddique, NS Technologies, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <buraeuveritas.com> is registered with OnlineNic, Inc. d/b/a China-Channel.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 11, 2022. On January 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 13, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 13, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on January 18, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 11, 2022.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on February 16, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a world leader in testing, inspection, and certification services to help clients improving performance and mitigate risk while strengthening their brands.

In the year 2018, the Complainant's revenue amounted to EUR 4.8 billion. The Complainant has more than 400,000 clients, over 77,000 employees, more than 1,500 offices and laboratories in 140 countries.

The Complainant is the owner of several trademark registrations consisting of or containing BUREAU VERITAS, which have been registered in numerous jurisdictions all over the world, before the Respondent's registration of the disputed domain name, which was registered on December 28, 2021. Amongst others, International trademark registration No. 1289458, BUREAU VERITAS, registered on December 23, 2015.

The Complainant is also the owner of the domain names <bureauveritas.com> registered on June 20, 1996 and <bureauveritas.fr> registered on February 12, 2001.

The disputed domain name was registered on December 28, 2021 and directs to an error page.

5. Parties' Contentions

A. Complainant

The Complainant argues that the only element of difference between the disputed domain name and the Complainant's trademark is the reversal of the letter "a" and "e" within the term "bureau" and the addition of ".com". This little element can mislead Internet users, due to the fact that the disputed domain name is virtually-identical to the Complainant's trademark.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant and there is no evidence to suggest that the Respondent has registered the disputed domain name to advance legitimate interests. The Complainant has never licensed or otherwise permitted the Respondent to use its trademark or to register any domain name including its trademark.

The Complainant further argues that the disputed domain name was registered and is being used in bad faith, within the meaning of paragraph 4(b)(iv) of the Policy.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules, and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

The Complainant has shown it owns trademark rights in the BUREAU VERITAS trademark.

The disputed domain name is confusingly similar to the Complainant's trademark BUREAU VERITAS. The disputed domain name inverts the letter "e" and "a" within the word "bureau", which is not sufficient to render the visual or phonetic characteristics of the disputed domain name distinct from the Complainant's trademark.

Thus, the Panel finds that this is a typical typosquatting case, since the disputed domain name reproduces the Complainant's trademark in its entirety but with a minor alteration of the letters, which does not change the overall impression that the Complainant's trademark is sufficiently recognizable within the disputed domain name.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), states in section 1.9:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [...]

Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersion of other terms or numbers."

Therefore, the Panel concludes that the Complainant has satisfied the first requirement of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

According to the Policy, paragraph 4(a)(ii), the Complainant has to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, previous UDRP panels have recognized that proving a respondent's lack of rights or lack of legitimate interests in a domain name may result in the often impossible task of "proving a negative". As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or lacks legitimate interests in the use of the domain name similar or identical to the complainant's trademarks, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating its rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

In this case, the Respondent is not in any way affiliated with the Complainant, nor has the Complainant authorized or licensed the Respondent to use its trademarks, or to seek registration of any domain name incorporating said trademarks.

The Complainant contends that there is no relationship with the Respondent that gives rise to any license, permit, or other rights to which the Respondent could enjoy such use of any domain name incorporating the Complainant's trademarks.

Moreover, the Panel finds no evidence that the Respondent has used, or has undertaken any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering its goods or services.

Likewise, no evidence has been adduced that the Respondent has commonly been known by the disputed domain name; nor, for the reasons mentioned above, is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel therefore finds that the Complaint fulfills the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the Respondent registered and is using the disputed domain name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

The Panel considers that the disputed domain name is virtually identical to BUREAU VERITAS trademark differing only by the inverting letters "e" and "a" within the word "bureau". It is well settled that the practice of typosquatting constitutes obvious evidence of the bad faith registration of a domain name. See *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#) ("Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name"); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) ("[typosquatting] is presumptive of registration in bad faith").

UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity, as is the case here, can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4

Furthermore, the non-use of the disputed domain name does not prevent a finding of bad faith use in these circumstances, noting, in particular, the implausibility of any good faith use to which the typosquatting disputed domain name could be put. See [WIPO Overview 3.0](#), section 3.3.

The Panel therefore accepts the Complainant's allegations as undisputed facts and concludes that the Respondent registered and is using the disputed domain name in bad faith.

For these reasons, the Panel holds that the Complainant has met its burden of showing that the Respondent registered and is using the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy. The third element of the Policy has, therefore, been met.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <buraeuveritas.com> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: March 2, 2022