

ADMINISTRATIVE PANEL DECISION

TT Visa Services Limited v. Privacy service provided by Withheld for Privacy ehf / abroad agent

Case No. D2022-2323

1. The Parties

Complainant is TT Visa Services Limited, United Kingdom, represented by Aditya & Associates, India.

Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / abroad agent, India.

2. The Domain Name and Registrar

The disputed domain name <immgt-ttnzvs-nzgovt.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 20, 2022. On June 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email to Complainant on June 30, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. In response to a notification by the Center that the Complaint was administratively deficient, Complainant filed an amended Complaint on June 30, 2022.

The Center verified that the Complaint together with the amended 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 Respondent of the Complaint, and the proceedings commenced on July 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 24, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 25, 2022.

The Center appointed Robert A. Badgley as the sole panelist in this matter on July 29, 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

Founded in 1997, and adopting the name TT Visa Services Limited in 2012, Complainant describes itself as “a leading provider of integrated visa processing solutions with a global presence and a comprehensive portfolio of services.” Complainant asserts that it has processed more than five million visa applications.

According to Complainant, it is “a trusted partner for Governments and diplomatic missions”. One such government is that of New Zealand, for whom Complainant serves as the “exclusive partner for visa processing.”

Complainant’s main website is located at “www.ttsvisas.com”, and it also operates country-specific sites, such as (for New Zealand) “www.ttsnzvisa.com”.

According to Complainant, it has become widely known by its trademark TT SERVICES. That mark is registered in several jurisdictions, including Reg. No. 1071495 in New Zealand (entered on the register of trade marks on January 16, 2018 with a deemed registration date of July 13, 2017 for “arranging for travel visas, passports and travel documents” (among other things) in Class 39.

The Domain Name was registered on February 10, 2022. The Domain Name does not resolve to an active website.

On May 17, 2022, Complainant became aware that an individual had received an email from an email address associated with the disputed domain name “[...]@immgt-ttnzvs-nzgovt.com”, including “vfs” as the sender (Complainant’s parent company is the “VFS Global Group”), in which email the addressee individual was “offered employment in a New Zealand Company” and in which “forged documents” claimed to imply an association with Complainant and its parent company. These documents, which appear designed to create the impression that they were generated by Complainant (or an affiliate within the VFS Global Group) are annexed to the Complaint.

The individual’s May 17, 2022 email to Complainant’s parent firm, also annexed to the Complaint, stated:

“I have received the below documents & information regarding my job in New Zealand. The person name [redacted] claiming herself vfs officer and asking for visa fees amount of 28000 aporox. Kindly help me to understand whether this mail genuine of fraud. Need your help...”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has established all three elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel concludes that Complainant has rights in the trademark TT SERVICES through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark.

The dominant element of the mark – TT – is entirely reproduced in the Domain Name, and is recognizable within the Domain Name. The additional terms or abbreviations contained in the Domain Name reflect visa-related services (which Complainant provides) or a geographical term (“NZ” as an abbreviated form of New Zealand, where Complainant provides such services).

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward in this proceeding to dispute the allegations and evidence put forth by Complainant, or to assert and prove any *bona fides* Respondent might have vis-à-vis the Domain Name. It is undisputed that Complainant has given Respondent no license or authority to use its marks in a domain name or any other manner.

It is also undisputed that the only use to which the Domain Name has been put has been to send fraudulent emails to third parties by attempting to impersonate Complainant or a company within Complainant’s group of companies. Such conduct clearly does not give rise to a right or legitimate interest in the Domain Name.

The Panel concludes that Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or

(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. The undisputed record makes it clear that Respondent was aware of Complainant and its TT SERVICES trademark. Respondent's use of "VFS" in the fake email reinforces this conclusion.

Respondent has also used the Domain Name in bad faith. The undisputed record here is that Respondent used the Domain Name to impersonate Complainant, or a company within Complainant's group of companies, and seek to dupe an individual into paying substantial visa processing fees. This is bad faith within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <immgt-ttnzvs-nzgovt.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: August 10, 2022