

## **ADMINISTRATIVE PANEL DECISION**

VFS Global Services PLC v. Privacy Service Provided by Withheld  
for Privacy ehf / Wisdom Solomon  
Case No. D2022-3207

### **1. The Parties**

The Complainant is VFS Global Services PLC, United Kingdom, represented by Aditya & Associates, India.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Wisdom Solomon, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <vfglobal-gc.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2022. On August 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 August 31, 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 amended Complaint on September 1, 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 the Respondent of the Complaint, and the proceedings commenced on September 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2022.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on October 3, 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, together with its group of global companies, is a global business process outsourcing company providing technological and logistics support services for the visa application process to various diplomatic missions around the world. The Complainant serves the interests of the diplomatic missions of 65 sovereign governments in 141 countries across five continents.

The Complainant owns trademark registrations for VFS and VFS GLOBAL in various forms in a great number of countries, including the United States, where the Respondent apparently resides. Annexed to the Complaint were details of the many registrations and applications, including United States Registration Number 5,694,062 for the word-/device mark VFS. VFS.GLOBAL EST. 2001, registered March 12, 2019 and Indian Trademark Number 1726901 for the word mark VFS GLOBAL, registered on August 29, 2008. The trademarks will hereinafter be referred to, in singular, as “the Trademark”.

The Complainant also uses the domain name <vfsglobal.com> (owned by one of the group companies of the Complainant).

The disputed domain name was registered on July 6, 2022.

The Complaint does not mention where the disputed domain name resolves. The Panel, under its general powers articulated, *inter alia*, in paragraph 10 of the UDRP Rules (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8), has conducted a search on the Internet and found the disputed domain name does not lead to an active website. In any event, the Panel does note that the Complaint has provided evidence in the Complaint and the Exhibits that the disputed domain name was used as an email address to send various communications holding itself out as the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant states, in summary and in so far as relevant, the following.

The Complainant is a global business process-outsourcing and technology services specialist for and in business of providing technological and logistics support services to various Foreign Embassies and Diplomatic Missions all over the world and is involved in providing administrative and non-judgmental tasks related to visa application for its client Embassies and Foreign Missions from the distribution of visa application forms, accepting Visa Application at its Visa Applications Centres, forwarding the Visa Applications to the concerned Embassy or Diplomatic Mission to return processed applications, and performs other related services. The Complainant has successfully processed over 240 million applications since its inception in 2001, and over 105.97 million biometric enrolments since 2007 and operates out of 3,516 Visa Application Centres located in Asia, Africa, Middle East, and Europe. The Complainant’s website “[www.vfsglobal.com](#)” provides all country specific visa information, visa requirements, application procedure, fee structure, scheduling of interviews, etc. The website is accessed by millions every day who seek visas (of various categories and purpose) for United States of America, United Kingdom, Canada, and other countries as the Complainant is exclusively authorized by the government of these countries through their embassies.

The Complainant has been conducting these activities under the trademarks VFS and VFS GLOBAL since 2002 and 2007, respectively.

The Complainant submits that the disputed domain name is identical or confusingly similar to the Trademark. The essential and significant part of the disputed domain name is "vsfglobal" which is almost identical and/or confusingly similar to the Complainant's domain name <vsfglobal.com> and/or trade name "VFS GLOBAL Services" and/or the Trademark, in which the Complainant has rights based on prior adoption, continuous and extensive use and registrations. Further, the addition of the letters "gc" to the reputed and trusted name "vsfglobal" does not lessen the confusion and the users may think that the disputed domain name is nothing but some interconnected website of the Complainant only.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant's use and registration of the Trademark and of the domain name <vsfglobal.com> predates the Respondent's registration of the disputed domain name by more than 20 years. The disputed domain name does not in any way reflect the Respondent's name. The Respondent does not own any trademark registrations reflecting the Trademark in any country, nor did he acquire any reputation and/or goodwill in "vsf"/"vsfglobal" in any country, nor has the Complainant ever granted the Respondent any right, license, authorization or consent to use the Trademark or any variation of thereof.

The Complainant submits that the disputed domain name was registered and is being used in bad faith.

The Respondent must have been aware of the Complainant's services, prior rights and interest with respect to the Complainant's domain name and/or the Trademark/trade name and that's why the Respondent intentionally adopted the disputed domain name in order to deceive the public at large and to misguide them and for the purpose of trading the disputed domain name for financial gain and/or otherwise for the purpose of taking a free ride on, and leveraging off, the Complainant's reputation all over the world. By referring to the disputed domain name, people are getting confused and believing that the disputed domain name is nothing but related/connected to the Complainant and are also sharing their valuable personal information with the Respondent and the Respondent is taking undue advantage of such information which is ultimately affecting the reputation and goodwill of the Complainant and its group companies.

On July 30, 2022 and on August 10, 2022 the Complainant received queries from two persons both referring to an email wherein "Nigerian Canadian Embassy, from District, Abuja Nigeria", asked them to make certain payments and send the proof of payments to an email address associated with the disputed domain name. The Complainant submits that such complaints clearly reflect the dishonest intentions of the Respondent behind using the disputed domain name for its own benefits by way of cheating people in the name of easy visa processing services.

The Respondent has no justification as to the registration of the disputed domain name, has registered the same in bad faith, and has created an email address associated with the disputed domain name only to mislead the public at large. By registering confusingly similar domain name and by using the email address associated with the disputed domain name, the Respondent has misrepresented to the third parties that their business is an authorized service provider and/or associated / connected with the business carried on by the Complainant.

On August 16, 2022 the Complainant has sent an email to the Registrar of the disputed domain name, as accurate details of the Registrant were not available, in order to inform the Registrant about the infringement the disputed domain name made on the rights of the Complainant, and to summon the Registrar – briefly – to cancel or disable access to the website hosted by the Registrant and to transfer all the rights in the disputed domain name to the Complainant. However, no reply was received from the Registrar.

## **B. Respondent**

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

## 6. Discussion and Findings

Dealing, first, with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the Panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant is required to prove each of the following three elements in order to succeed in its Complaint:

- (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 has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Complainant has provided details of its trademark registrations for VFS and VFS GLOBAL, including the registration in respect of which full details are set out above, and has thereby established its rights in the Trademark.

The disputed domain name incorporates the Trademark in its entirety, the only difference being the addition of "-gc", but that, however, does not prevent the disputed domain name from being confusingly similar.

Accordingly, this Panel finds that the disputed domain name is confusingly similar to the Trademark, and the first element of the Policy under paragraph 4(a) has been satisfied.

### B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the complainant to show that the respondent has no rights or legitimate interests in respect of the disputed domain name. Once the complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see [WIPO Overview 3.0](#), section 2.1).

The Complainant alleges that the Respondent lacks rights to or legitimate interests in the disputed domain name for the reasons set out in section 5.A above. The Panel finds that the Complainant has fulfilled the obligation to establish *prima facie* that the Respondent has no rights to or legitimate interests in the disputed domain name. Because of its failure to submit a response, the Respondent has not rebutted the arguments of the Complainant and/or shown rights to or legitimate interests in the disputed domain name. Moreover, the Complainant has provided evidence that the disputed domain name was used in furtherance of a fraudulent email scheme; such use can never confer rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.13).

The Complainant has satisfied the second requirement that the Respondent has no rights or legitimate interests in the disputed domain name, under paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

When the Respondent registered the disputed domain name, the Complainant had been using the Trademark for many years worldwide. Given the Complainant's widespread and long-standing use of the Trademark worldwide, the Panel finds it is highly unlikely the Respondent was unaware of the Trademark when it registered the disputed domain name. The Respondent's bad faith registration is also supported by

the facts that: (1) the Respondent has not shown that it has any rights or legitimate interests in the disputed domain name; (2) the Respondent registered a domain name that is almost exactly the same as the Complainant's registered Trademark, merely adding "gc" which does not distinguish the disputed domain name from the Trademark; and (3) the Respondent subsequently used the disputed domain name to send fraudulent email communications impersonating the Complainant. There is no plausible reason for the Respondent's selection of a confusingly similar domain name in which the Respondent has no rights or legitimate interests other than as a deliberate attempt to profit unfairly from confusion with the Trademark. See, *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#) ("the incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith").

Furthermore, as referenced above, the evidence in the record provided by the Complainant shows that the Respondent was using the Trademark as an email address in a fraudulent scheme that the Respondent benefitted from or could have benefitted from financially.

Given these circumstances and the facts that the Respondent failed to submit a response or to provide any evidence of actual or contemplated good-faith use, including failing to respond to the Complainant's letter requesting a transfer of the disputed domain name, the Panel is left to conclude that the Respondent's use of the disputed domain name is in bad faith.

Accordingly, the Panel accepts that the disputed domain name is being used in bad faith. Under the circumstances, the fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith.

For the foregoing reasons, the Panel finds that paragraph 4(a)(iii) of the Policy has been satisfied.

## **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, <vfsglobal-gc.com>, be transferred to the Complainant.

*/Richard C.K. van Oerle/*

**Richard C.K. van Oerle**

Sole Panelist

Date: October 17, 2022