

ADMINISTRATIVE PANEL DECISION

VEON Amsterdam B.V. v. Robin Deisberg

Case No. DAI2022-0003

1. The Parties

The Complainant is VEON Amsterdam B.V., Netherlands, represented by NLO Shieldmark B.V., Netherlands.

The Respondent is Robin Deisberg, Germany.

2. The Domain Name and Registrar

The disputed domain name <veon.ai> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 9, 2022. On November 10, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 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 November 15, 2022. The Complainant filed a second amended Complaint on November 16, 2022.

The Center verified that the Complaint together with the amended Complaints 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 November 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 7, 2022.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on December 20, 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 subsidiary and the IP company of the VEON Ltd group of companies, the ninth largest mobile network operator in the world by number of subscribers with 210 million customers.

The Complainant owns trademark registrations in various jurisdictions, including the European Union trademark VEON (No. 015793524, registered on January 2, 2017) and the European Union trademark VEON (No. 015918576, registered on February 28, 2019).

The Complainant further holds the domain name <veon.com> under which the official website of the Complainant is available. The Complainant advertises and sells its services through its <veon.com> domain name. The Complainant holds various other domain names incorporating the VEON trademark.

The disputed domain name was registered on March 1, 2022, and resolved to a website advertising a software company called VEON for AI (artificial intelligence) solutions. The disputed domain name previously also resolved to a PPC page and has been offered for sale. At the time of the filing of the Complaint and drafting of the decision, the disputed domain name has been redirecting to the Complainant's official <veon.com> domain name.

5. Parties' Contentions

A. Complainant

The Complainant alleges that it has satisfied all elements of the Policy, paragraph 4.

B. Respondent

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

6. Discussion and Findings

Based on the facts and evidence introduced by the Complainant, and with regard to paragraphs 4(a), (b) and (c) of the Policy, the Panel concludes as follows:

A. Language of the Proceedings

The Complainant submits arguments why the language of the proceedings should be English.

Since the Registrar has confirmed that the language of the registration agreement as used by the registrant for the disputed domain name is English, the language of the proceedings shall be English.

B. Identical or Confusingly Similar

The Complainant has submitted sufficient evidence to demonstrate its registered rights in the VEON trademark.

The VEON trademark is wholly reproduced in the disputed domain name. It has become a consensus view among UDRP panels that the applicable Top-Level Domain (“TLD”) in a domain name is a standard registration requirement and as such may be disregarded when assessing confusing similarity under the first element of the Policy (see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), sections 1.11.1 and 1.11.2).

Therefore, the Panel concludes that the disputed domain name is identical to the Complainant’s VEON trademark.

The Complainant has thus fulfilled the requirements of paragraph 4(a)(i) of the Policy.

C. Rights or Legitimate Interests

There are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the disputed domain name. The Complainant contends that the Respondent is neither affiliated with the Complainant nor making any *bona fide* use of the disputed domain name.

The Respondent used the disputed domain name to advertise alleged AI products from a software company with the same name as the Complainant’s VEON trademark. The Complainant has credibly alleged that the Respondent used the disputed domain name for generating revenue by offering products under the VEON name while taking advantage of the Complainant’s trademark notoriety; such use can never confer rights or legitimate interests to a respondent. See [WIPO Overview 3.0](#), section 2.13.

Furthermore, the composition of the disputed domain name, wholly incorporating the Complainant’s trademark and the TLD “ai”, which could be understood to stand for artificial intelligence, cannot constitute fair use in these circumstances as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Based on the Complainant’s credible contentions, the Panel finds that the Complainant, having made out a *prima facie* case, which remains unrebutted by the Respondent, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

Under the circumstances of this case, including the composition of the disputed domain name and reputation of the Complainant’s trademark, it can be inferred that the Respondent was aware of the Complainant’s trademark when registering the disputed domain name.

The Panel finds that the reproduction of the Complainant’s trademark along with the TLD “ai” creates a likelihood of confusion between the Complainant’s trademark and the disputed domain name.

The evidence and allegations submitted by the Complainant regarding the past and current use of the disputed domain name, support a finding that the Respondent was and is engaged in an attempt to pass himself off as the Complainant by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of his website for his own commercial benefit. The Respondent therefore has used and continues to use the disputed domain name in bad faith (see *Claudie Pierlot v. Yinglong Ma*, WIPO Case No. [D2018-2466](#)).

Accordingly, the Complainant has also fulfilled paragraph 4(a)(iii) of the Policy.

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 <veon.ai> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: January 3, 2023