

## **ADMINISTRATIVE PANEL DECISION**

TT Visa Services Limited v. Reetu Agency

Case No. D2023-2110

### **1. The Parties**

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

The Respondent is Reetu Agency, India.

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

The disputed domain name <ttnzvs-immgt-nzgovt.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 May 12, 2023. On May 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 2023, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf), and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On May 23, 2023 the Respondent sent an informal message to the Center. The Complainant filed an amended Complaint and an amendment to the Complaint on May 25, 2023.

The Center verified that the Complaint together with the amended Complaint and an 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 May 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 14, 2023. The Respondent did not submit any formal Response. Accordingly, the Center notified the Respondent's default on July 5, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on July 11, 2023. 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 was incorporated on November 5, 2012 in the United Kingdom, to provide integrated visa processing solutions. In 2017 the Complainant was acquired by VFS Global Group, a global business process-outsourcing and technology services specialist in providing technological and logistics support services to various embassies and diplomatic missions in several countries of the world, having the Complainant become the exclusive visa service provider for countries like New Zealand, Australia, the United Arab Emirates, amongst others.

The Complainant is the owner of the domain names <ttsvisas.com>, and <ttsnzvisa.com>, as well as of the following, amongst others, trademarks (Annex 7 to the Complaint):

- Australia trademark registration No. 1858561, for TT SERVICES and device, filed and registered on July 13, 2017, in class 39;
- European Union trademark registration No. 016957953, for TT SERVICES and device, filed on July 6, 2017 and registered on December 5, 2017, in class 39; and
- United States of America trademark registration No. 5,462,638, for TT SERVICES and device, filed on July 28, 2017 and registered on May 8, 2018, in class 39.

The disputed domain name was registered on July 3, 2022 and presently does not resolve to an active webpage. The disputed domain name has been used in connection with a fraudulent email scheme offering fake work permit visas (Annexes 13-A and 13-B to the Complaint).

#### A. Complainant

The Complainant asserts to be a leading provider of visa processing solutions with a global presence and a comprehensive portfolio of services, having become a trusted partner for Governments and diplomatic missions, facilitating visa application processing and delivery to embassies in a secure manner through its offices in major cities across the world.

Having processed over 5 million visa applications throughout its global operations, the Complainant contends that its global presence, comprehensive portfolio of services and dedication to excellence and innovation, have lead its TT SERVICES trademark to become synonymous with quality services of visa administration and management by the Complainant and its group companies and no one else, acquiring enormous reputation and goodwill in respect of the unique services provided by the Complainant.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's trademark and prior domain names, being the Complainant's trademark recognizable in the disputed domain name and the addition of the terms "nzvs", "immgt" and "nzgovt" not capable of lessening the confusion since the Complainant is exclusively associated with the government of New Zealand through its embassy with respect to the visa application process, what is further corroborated by the use made of the disputed domain name in connection with fraudulent email addresses (Annexes 13-A and 13-B to the Complaint).

Also according to the Complainant, the Respondent has no rights or legitimate interests in the disputed domain name given that:

- (i) the Respondent's name is not characterized by the Complainant's TT SERVICES trademark;
- (ii) the Respondent does, to the best of the Complainant's knowledge, not own any trademark registrations reflecting "TT" (being the predominant component of the disputed domain name) in any country; and
- (iii) the Respondent has not acquired any reputation and/or goodwill in "TT" (being the predominant component of the disputed domain name) in any country.

The Complainant contends that the registration of the disputed domain name was done clearly in bad faith given that the Respondent intentionally registered the disputed domain name in order to deceive the public at large and to misguide them in view of the presence of the term “tt” and the term “nz” in the disputed domain which can be easily associated with the visa services performed by the Complainant to the Government of New Zealand; being the Respondent unequivocally aware of the Complainant in view of the email addresses created with the disputed domain name expressly referring to the Complainant’s parent company and used in connection with fraudulent emails, having thus the Respondent deliberately targeted the Complainant in view of the Respondent’s fraudulent activities seeking to impersonate the Complainant.

## **B. Respondent**

On May 23, 2023 the Respondent sent an informal message to the Center stating that it “knew nothing about this” and requesting the contact details of the Complainant “for dialogue”. The Respondent did not formally reply to the Complainant’s contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

While the addition of other terms “nzvs”, “imgt” and “nzgovt” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the predominant component of the relevant mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the

respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating 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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

Moreover, panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel considers that the record of this case reflects that:

The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel further notes that the Respondent's choice to retain a privacy protection service and provide what appear to be false contact information, not being the Center able to deliver the Written Communication in the address indicated, are further indicatives of the Respondent's bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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, <ttnzvs-immgt-nzgovt.com> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*  
**Wilson Pinheiro Jabur**  
Sole Panelist  
Date: July 24, 2023