

ADMINISTRATIVE PANEL DECISION

Bureau Veritas Exploitation v. Andrea Vernor
Case No. D2023-2855

1. The Parties

The Complainant is Bureau Veritas Exploitation, France represented by Dennemeyer & Associates S.A., France.

The Respondent is Andrea Vernor, United States of America.

2. The Domain Name and Registrar

The disputed domain name <careersbureauveritas.com> (hereinafter referred to as: the “Domain Name”) is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 5, 2023. On July 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 5, 2023, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 10, 2023 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 July 10, 2023.

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 July 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 1, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 4, 2023.

The Center appointed Gregor Vos as the sole panelist in this matter on August 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.

The Panel issued a Procedural Order No. 1 on August 22, 2023, requesting the Complainant to substantiate that it received authorization from the owner of the trademark to file the Complaint. The Complainant has submitted a reply on August 23, 2023. The Respondent has not submitted any response.

4. Factual Background

The Complainant is part of a group of companies established in 1828 and has been using the name Bureau Veritas since 1985. The Complainant specializes in testing, inspection and quality control services in various industries. It employs more than 82,000 employees in more than 1,600 offices and laboratories worldwide.

In the Complaint reference is made to *inter alia* the following European Union (“EU”) trademark registration (hereinafter referred to as: the “Trademark”) to substantiate the Complainant’s rights to file UDRP proceedings:

- EU Trade Mark reg. No. 004518544 for the sign BUREAU VERITAS, registered on June 1, 2006.

The Complainant is not registered as the owner of the Trademark. In light of the limited substantiation of the Complaint, the Panel cannot infer the existence of authorization of the trademark owner based on the facts and circumstances described in the Complaint (section 1.4 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Therefore, the Panel issued a Procedural Order requesting the Complainant to substantiate that it received authorization from the owner of the Trademark to file the Complaint. The Complainant has submitted a power of attorney as substantiation for this on August 23, 2023.

Further, it is undisputed that the Complainant is the holder of the domain name <bureauveritas.com>.

The Domain Name was registered on June 7, 2023. On the day of Complaint’s submission and currently the Domain Name resolves to the website of the Complainant.

5. Parties’ Contentions

A. Complainant

With the Complaint, the Complainant seeks that the Domain Name is transferred to the Complainant. The Complaint is based on the following factual and legal grounds: the Domain Name is identical or confusingly similar to the Trademark of the Complainant, the Respondent has no rights or legitimate interests in the Domain Name and the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is confusingly similar to the Trademark. The Domain Name fully incorporates the Complainant’s Trademark with the mere addition of the word ‘careers.’ According to the Complainant, the word ‘careers’ is purely descriptive and creates a clear risk of confusion with the Complainant.

Secondly, according to the Complainant, the Respondent has no rights or legitimate interests in the Domain Name. The Complainant states that the Domain Name has been filed fraudulently by an undisclosed person, that would show that the Respondent registered the Domain Name in bad faith and with full knowledge of the Trademark.

Finally, the Complainant states that the Domain Name was registered and is being used in bad faith. The Complainant argues that the Domain Name is misleading to the public because it redirects to the official website of the Complainant. According to the Complainant, the Respondent is therefore making unlawful and unfair use of the Domain Name and damages the Complainant's image and reputation.

B. Respondent

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

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(f), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of the Complainant's undisputed factual presentations.

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

- i. the Domain Name is identical or confusingly similar to the Trademark in which the Complainant has rights; and
- ii. the 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.

Only if all three elements have been fulfilled, the Panel is able to grant the remedies requested by the Complainant. The Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Domain Name is (i) identical or confusingly similar to a trademark or service mark, (ii) in which the Complainant has rights.

With respect to having rights pursuant to paragraph 4(a)(i) of the Policy, it is noted that the Complainant has submitted a power of attorney granted to the Complainant by the owner of the Trademark that confirms that the Complainant is authorized to file Complaint.

Consequently, the Panel finds that the Complainant has proven that it has rights in the Trademark in the meaning of paragraph 4(a)(i) of the Policy.

With regard to the assessment of identity or confusing similarity of the Domain Name with the Trademark, it is generally accepted that this test involves a reasoned but relatively straightforward comparison between the Complainant's Trademark and the Domain Name (section 1.7 [WIPO Overview 3.0](#)). In cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark (see section 1.7 of the [WIPO Overview 3.0](#)).

In the present case, the Trademark is incorporated in its entirety in the Domain Name. The mere addition of the term 'careers' does not prevent a finding of confusing similarity with the Trademark (see section 1.8 of the [WIPO Overview 3.0](#)). Consequently, the Panel finds that the requirement under paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Domain Name. The onus of proving this requirement, like each element, falls on the

Complainant. However, given the difficulty in proving a negative, it is usually sufficient for a complainant to make out a *prima facie* case that a respondent lacks rights or legitimate interests. If a complainant does establish a *prima facie* case, the burden of production shifts to the respondent (see, e.g. [WIPO Overview 3.0](#), section 2.1; *Sanofi v. Cimpress Schweiz GmbH*, WIPO Case No. [D2017-0522](#)).

Paragraph 4(c) of the Policy lists three nonlimitative examples of instances in which a respondent may establish rights or legitimate interests in the Domain Name.

Based on the record before it, the Panel does not find any of the circumstances of paragraph 4(c) of the Policy present. Additionally, by defaulting, the Respondent has failed to address the *prima facie* case established by the Complainant.

In particular, the Panel notes the composition of the Domain Name cannot constitute fair use if it, as in the present case, effectively impersonates or suggests sponsorship or endorsement by the trademark owner, without that being the case (section 2.5.1, [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. Paragraph 4(a)(ii) of the Policy is thereby fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, a complainant must show that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy lists four nonlimitative circumstances which may be considered as evidence of registration and use in bad faith of a domain name.

In the present case, the Complainant has not substantiated that the Trademark is well-known. However, the Trademark is being used by the Complainant for a long time and earlier panels have confirmed that the Trademark at least enjoys a reputation (see *Bureau Veritas v. Perfect Privacy, LLC / Nikolai Timchenko*, WIPO Case No. [D2018-0751](#); *Bureau Veritas v. Whois Protection / Hulmiho Ukolen, Poste Restante*, WIPO Case No. [D2017-1557](#)). Therefore, and given that the Domain Name incorporates the Trademark in its entirety, the Panel finds that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademark under which the Complainant is doing business. This is further reinforced by the fact that the Domain Name resolves to the Complainant's website.

Further, as to the use of the Domain Name in bad faith, the fact that the Domain Name resolves to the Complainant's own website, without authorization of the Complainant does not prevent a finding of use of the Domain Name in bad faith, because such redirection may allow the Respondent to divert future Internet users to competing websites after having built up mistaken confidence in the source of the content to which the Domain Name resolves (see *Bureau Veritas v. Xavier Garreau*, WIPO Case No. [D2017-1570](#); *Altavista Company v. Brunosousa, aka Bruno Sousa*, WIPO case No. [D2002-0109](#)).

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith, and that the third element of paragraph 4(a)(iii) of the Policy is therefore fulfilled.

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, <careersbureauveritas.com> be transferred to Bureau Veritas Exploitation.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: September 8, 2023