

## **ADMINISTRATIVE PANEL DECISION**

### **ISS World Services A/S v. Hulmiho Ukolen**

#### **Case No. D2022-2762**

#### **1. The Parties**

The Complainant is ISS World Services A/S, Denmark, represented by Awa Law Advokater ApS, Denmark.

The Respondent is Hulmiho Ukolen, Finland.

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

The disputed domain name <iss-france.org> (the “Domain Name”) is registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 27, 2022. On July 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 29, 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 communication to the Complainant on August 5, 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 August 8, 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 August 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on September 26, 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 Danish subsidiary of ISS A/S (“ISS”), a leading global provider of workplace and facility services. ISS was founded in 1901 and has operated under the mark ISS since 1968. ISS has more than 40,000 customers in over 30 countries in a wide variety of industries, with core services including cleaning, technical, food, and workplace services. It has more than 400,000 employees and its revenue in 2021 was over Danish Kroner 70 billion.

The Complainant is the proprietor of a number of registered trademarks in respect of “ISS”, including Denmark trademark number VR 1977 01109 ISS registered on March 25, 1977, and European Union Trade Mark number 001366426 ISS registered on July 30, 2001.

The Domain Name was registered on March 6, 2021. At the time of filing of the Complaint, the Domain Name resolved to a webpage at “ww82.iss-france.org” of links to web pages with links to third party websites including those relating to cleaning services. Currently, it resolves to a third party web portal of links, presumably to other web pages comprising pay-per-click links to third party websites. An Internet search by the Panel indicates that the third party web portal is associated with advertising malware.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to its ISS trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of its widespread use of the Mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.org” that may be disregarded for this purpose, the Domain Name comprises the Mark with the addition of the term “france” and a hyphen “-”. In the Panel’s view, this addition does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

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

The Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent has no connection with the Complainant and there is no evidence that the Respondent has ever been known by the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but to connect to webpages of pay-per-click links to third party websites related to the Complainant's area of business and/or to a website associated with advertising malware. In the Panel's view, such activity does not give rise to rights or legitimate interests in respect of the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

In light of the notoriety of the Mark and the Complainant's base in Scandinavia, the Panel finds it most likely that the Respondent (with an address in Finland) had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel is satisfied that the Respondent has registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant's rights in the Mark and to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant.

The use of the confusingly similar Domain Name to display pay-per-click links related to the Complainant's area of business further indicates an intent to profit unduly through creating a likelihood of confusion with the Mark within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel also notes that the Respondent has been found to have targeted third party trademarks and received adverse decisions in numerous proceedings under the Policy, indicating that the Respondent has engaged in a pattern of registering and using domain names in bad faith.

## **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 <iss-france.org> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: October 10, 2022