

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. Martha Torres

Case No. D2024-4582

1. The Parties

The Complainant is Verisure Sàrl, Switzerland, represented by Abion GmbH, Switzerland.

The Respondent is Martha Torres, Brazil.

2. The Domain Name and Registrar

The disputed domain name <verisure.website> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 7, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 2024, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 2024, 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 13, 2024.

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 November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2024.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on December 27, 2024. 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.

On December 13, 2024, the Center informed the Parties by email that communications were received from the Respondent, expressing a willingness to settle the dispute. The Complainant was required to submit a request for suspension by December 20, 2024. No request for suspension was received on this date.

4. Factual Background

The Complainant is a leading European provider of professionally monitored security solutions, and the second largest home alarm provider in the world. The Complainant has been active since 1988 and is based in Switzerland. It has more than 5.1 million customers, in 17 countries, and employs more than 28,000 people across the world.

The Complainant owns numerous trade mark registrations for VERISURE, including the European Union Trade Mark VERISURE (word) No. 006674915, registered on March 26, 2010;

The Complainant also owns numerous domain names containing VERISURE among which <verisure.com>, registered on November 5, 1998, and which points to its main official website.

In previous UDRP complaints, the distinctive character and reputation of the trade mark VERISURE have been recognized. See for example *Verisure Sàrl v. RYOICHI AOKI*, WIPO Case No. [D2022-4813](#), or *Verisure Sàrl v. Audrey NEDJAR*, WIPO Case No. [D2024-1642](#).

The disputed domain name was registered on January 23, 2024, and resolves to a parking page set up by the Registrar.

After discovering the registration of the disputed domain name, the Complainant sent a cease-and-desist letter to the Respondent on March 4, 2024. No response was received.

After being notified of the Complaint by the Center (Notification of Complaint and Commencement of Administrative Proceeding, and the Notification of Respondent Default), the Respondent, contacted the Registrar by email, in Portuguese, copying the Center, in order to request urgent assistance in deleting the disputed domain name. In subsequent email exchanges, which took place between December 11, 2024 and December 13, 2024, the Respondent admitted to have purchased the disputed domain name "by mistake", "while taking a training course" and stated that she had never used it. On December 17, 2024, in an email to the Center, the Respondent informed the Center that she was willing to transfer the disputed domain name to the Complainant, upon receipt of the necessary information to carry out the transfer.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is identical to its registered trade mark VERISURE. The disputed domain name <verisure.website> incorporates the Complainant's registered trademark VERISURE in its entirety in its second-level portion. The addition of the generic Top-Level Domain ".website" does not add any distinctiveness to the disputed domain name and may be disregarded

when assessing whether the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights, as it is a mere technical requirement.

Then, the Complainant adds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant and the Complainant has not licensed or authorized the Respondent to use its trademark VERISURE, nor has the Complainant endorsed or sponsored the Respondent. There is no evidence that the Respondent is commonly known by the disputed domain name or owns any registered trade marks including the word “verisure”. The Complainant provides an annex in which it demonstrates that when entering the words “verisure” and “website” in a Web search engine – even supplemented by the name of the Respondent – all the returned results point out to the Complainant and its business and do not show a connection between the Respondent and the trade mark VERISURE. Moreover, the structure of the disputed domain name – incorporating the trade mark VERISURE along with the top level “.website”, may falsely lead Internet users to believe that it is directly connected to the Complainant and carries a risk of implied affiliation. Also, the disputed domain name, which resolves to a parking page, is not being used in connection with a bona fide offering of goods or services. Finally, by choosing not to respond to the cease-and-desist letter sent by the Complainant, the Respondent has failed to present some compelling arguments that she has rights or legitimate interests in the disputed domain name.

Finally, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The registration of the Complainant's trade mark pre-dates the registration of the disputed domain name. The Complainant enjoys a strong online presence, and any search online on the terms “verisure” and “website” would have inevitably disclosed to the Respondent the Complainant, its trade mark and business. It is therefore safe to assume that the Respondent registered the disputed domain name having the Complainant in mind, with the intention of capitalizing on the fame and goodwill of the Complainant's trade mark. As regards its use, the disputed domain name is currently passively held and there is no evidence of any actual or contemplated good-faith use. From the inception of the UDRP, panelists have consistently found that the non-use of a domain name does not prevent the finding of bad faith under the doctrine of passive holding. The trade mark VERISURE is distinctive and previous UDRP panels have recognized that the Complainant is widely known and has extensively promoted its products under its trade mark VERISURE. Furthermore, the Respondent has concealed her identity – as his name and contact details are covered by a privacy shield in the Whois records – which is further evidence of bad faith. Undeniably, the structure of the disputed domain name implies that no use in good faith of the disputed domain name can be contemplated.

For all the above-mentioned reasons, the Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. Between December 11, 2024 and December 13, 2024, the Respondent exchanged with the Registrar in order to cancel the disputed domain name. Also, on December 17, 2024, the Respondent sent an email to the Center confirming that she had deactivated the automatic renewal of the disputed domain name and offering to transfer it to the Complainant.

6. Discussion and Findings

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.

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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Complainant's trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available 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 such as those enumerated in the Policy or otherwise.

In fact, the Respondent herself acknowledges in several emails having registered the disputed domain name "by mistake", "during a training course", and never having used it.

Finally, as the distinctive and well-known trade mark VERISURE is reproduced identically, the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

As a preliminary remark, the Panel notes that the Respondent has repeatedly acknowledged that she had registered the disputed domain name "by error" and she attempted on several occasions to delete it. She finally suggested transferring it to the Complainant.

Now, beyond this initial acknowledgement, the Panel believes that the conditions are met here for a finding of bad faith registration and passive holding.

Indeed, the disputed domain name is strictly identical to the Complainant's trade mark, which as mentioned above is both inherently distinctive and well-known. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. In this respect, the Respondent has offered no explanation on the alleged error committed when registering the disputed domain name.

Also, the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes that:

- the distinctive trade mark VERISURE is present and marketed in Latin America, particularly in Brazil where the Respondent indicates being located – in this country, the Complainant operates the website "www.verisure.com.br";
- the Complainant's trade marks are well known, and were likely targeted by the Respondent;
- the Respondent has attempted to conceal her identity;
- the Respondent has failed to respond to the initial cease-and-desist letter of the Complainant;
- in the circumstances of this case, because of its composition, the Panel cannot contemplate a use in good faith of the disputed domain name.

The Panel concludes that the Complainant has established the third element 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 <verisure.website> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: January 7, 2025