

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. Mariana Cristina
Case No. D2024-4686

1. The Parties

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

The Respondent is Mariana Cristina, Brazil.

2. The Domain Name and Registrar

The disputed domain name <camerasverisure.com> is registered with SRS AB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 13, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 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 (Protected Protected, Shield Whois) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 27, 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 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on January 2, 2025. 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 leading provider of home alarms and professionally monitored security solutions. It is active since 1988; it has more than 5.1 million customers in 17 countries, and employs more than 28,000 people across the world. The Complainant operates under the VERISURE brand, and enjoys a strong online presence via its official website and social media accounts, which have thousands of followers.

The Complainant owns numerous trademark registrations for VERISURE, including:

- European Union Trade Mark Registration No. 006674915, VERISURE, word, registered on March 26, 2010, in Classes 9, 38, 44, and 45; and
- United States of America Trademark Registration No. 6214577, VERISURE, word, registered on December 8, 2020, in Classes 6, 9, 11, 12, 36, 37, 38, 39, 42, and 45,

(collectively hereinafter referred as the “VERISURE mark”).

Prior decisions under the Policy have recognized the international reputation of the VERISURE mark. ¹

The Complainant further owns various domain names corresponding to its brand, including <verisure.com> (registered since November 4, 1998), which resolves to its official website.

The disputed domain name was registered on June 24, 2024, and it resolves to a WordPress website, in English language, that purportedly offers architectural services from a firm that identifies itself as “Études”. Apart from the basic information provided on its home page, this website does not include any information in any of its sections, which are redirected to the top of the home page. At the top left side of this home page, it includes the disputed domain name (“camerasverisure.com”) and, at the top right side there are two sections, in Portuguese language, namely “Kit Segurança Verisure” (which can be translated as “Verisure Security Kit”), and “Seu orçamento” (“Your quote”). These two sections redirect to pages, in Portuguese language, which contain information about the Complainant’s security products, include the VERISURE mark, reproduce the Complainant’s copyrighted material, and follow a design and color combination (white, black and red) similar to the Complainant’s official website (at “www.verisure.com”). The first of these sections (“Kit Segurança Verisure”) includes a form to provide the user’s Whatsapp or phone number. None of these two sections or the home page includes any reference to the identity of their owner or that of the disputed domain name, nor do they include any reference to their lack of relationship with the Complainant and its VERISURE mark.

On August 8, 2024, the Complainant sent a cease and desist letter to the Respondent, followed by several reminders (on August 13 and 21, 2024), with no response from the Respondent.

5. Parties’ Contentions

A. Complainant

¹See, e.g., *Verisure Sàrl v. RYOICHI AOKI*, WIPO Case No. [D2022-4813](#); *Verisure Sàrl v. Audrey NEDJAR*, WIPO Case No. [D2024-1642](#); and *Verisure Sàrl v. Monjur Ahmed*, *Verisuresolutions*, WIPO Case No. [D2021-3615](#).

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 the disputed domain name is confusingly similar to its VERISURE mark. It incorporates this trademark preceded by the term “cameras”, which does not prevent a finding of confusing similarity. The mark is clearly recognizable within the disputed domain name.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain name, as it has no license or authorization to use the VERISURE mark, it is not commonly known by the disputed domain name, and the structure of the disputed domain name falsely suggests affiliation with the Complainant and its trademark. The term “cameras” refers to the Complainant’s business, which includes providing cameras and video detectors. The Respondent’s website suggests an intent to deceive or confuse users and to collect personal data from the Complainant’s clients or potential clients, which cannot constitute a legitimate, noncommercial or fair use of the disputed domain name. The Respondent had the chance to respond to the cease and desist letter and subsequent reminders, but failed to do so.

The Complainant finally contends the disputed domain name was registered and is used in bad faith. The strong online presence and reputation of the Complainant and its trademark, as well as the composition of the disputed domain name (with the inclusion of the term “cameras”) indicate the Respondent was aware of these rights when it registered the disputed domain name. The use of the disputed domain name in connection to a website, which includes the VERISURE mark, as well as copyrighted material, and which mimics the Complainant’s official website, corroborates the Respondent’s bad faith and its intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its trademark. The use of a privacy shield further corroborates the Respondent’s bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed materials and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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, namely the VERISURE mark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name, and it is therefore recognizable in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the term “cameras”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity

between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Therefore, 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.

Nothing in the record indicates the Respondent may have any rights or legitimate interests in the disputed domain name.

The Panel notes that the term “verisure” is a fanciful term not included in the dictionary, and this term does not share any similarities with the Respondent’s name revealed by the Registrar verification.

The Panel has further corroborated through a search over the Global Brands Database that the Respondent does not own any registered trademark consisting of or including the terms “verisure” or “cameras verisure”.

2

The Panel further notes the disputed domain name apparently resolve to an architectural firm’s website, however, the circumstances and evidence in the record suggest this site may have been created as a cover up or a pretext for the use of the disputed domain name in connection with the Complainant’s products and its trademark. In this respect, the Panel notes: (i) the architectural website linked to the disputed domain name is a home or landing page designed with WordPress, with no indication of ownership or contact information, and no content in any of its sections, apart from the content included in the two links to pages referring to the Complainant’s products; (ii) the terms “verisure” or “cameras verisure” do not share any similarity with the brand of the architectural firm to which the site refers, which identifies itself as “Études”; (iii) the home page and the sections referred to the Complainant’s products are in different languages, and have a complete different design and combination of colors or branding image; and (iv) the sections referring to the Complainant’s products include the VERISURE mark as well as copyrighted material, and mimic the Complainant’s official website.

²Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

The nominative fair use of a trademark in a domain name by retailers, distributors or services providers is acceptable under certain circumstances outlined in the “Okidata test” (in reference to *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). [WIPO Overview 3.0](#), section 2.8. However, the Panel finds the Respondent clearly fails this test as its website does not accurately or prominently disclose the Respondent’s lack of relationship with the Complainant. On the contrary, the Respondent’s website deliberately generates confusion or affiliation with the Complainant and its trademark (includes the VERISURE mark, copyrighted material and imitates the Complainant’s official website the general look and feel).

The Panel further finds the use of the disputed domain name indicates an intention to impersonate the Complainant or one of its affiliated companies or businesses, which alongside with the inclusion of a form to collect users’ personal sensible information constitutes an illegitimate activity that can never confer rights or legitimate interests on a respondent. Panels have held that the use of a domain name for illegal/illegitimate activity here claimed phishing, 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.

Accordingly, 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.

In the present case, the Panel notes the distinctiveness, global presence, and reputation of the VERISURE mark and composition of the disputed domain name indicates the Respondent had in mind this mark at this time of the disputed domain name registration.

The disputed domain name contains the VERISURE mark preceded by the term “cameras” which are a substantial part of the Complainant’s security solutions, and, as such, are closely related to the Complainant’s business. The use of this term that closely correspond to the Complainant’s field of activity increases the risk of confusion or affiliation by Internet users, and, together with all other circumstances of this case, leads the Panel to consider the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

The Panel further finds the use of the disputed domain name reveals the intention to generate confusion or affiliation with the Complainant and its trademark for a commercial gain and/or to obtain personal sensible information from Internet users. The Respondent’s website content leads to this conclusion, as it includes the reputed mark as well as copyrighted material, imitates the Complainant’s official website, and includes no indication of the lack of relationship between the Parties.

Additionally, the Panel finds the use of a landing page with no apparent relationship with the disputed domain name, in a different language, and with a radical different design or look and feel that apparently has been designed to conceal or cover up the sections referring to the Complainant and its products, is further evidence of the Respondent’s bad faith.

Therefore, the Panel finds the content of the Respondent’s website and the composition of the disputed domain name reveal an intention on the part of the Respondent of targeting the Complainant and its reputed trademark in an effort to generate confusion or a false affiliation for commercial gain.

Furthermore, panels have held that the use of a domain name for illegitimate activity here, claimed phishing, 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.

Accordingly, the Panel finds 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 <camerasverisure.com> be transferred to the Complainant.

/Reyes Campello Estebanz/

Reyes Campello Estebanz

Sole Panelist

Date: January 15, 2025