

ADMINISTRATIVE PANEL DECISION

Verisure Sàrl v. ama den
Case No. D2024-4707

1. The Parties

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

Respondent is ama den, Sweden.

2. The Domain Name and Registrar

The disputed domain name <verisurepartner.com> (the “Domain Name”) is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2024. On November 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 18, 2024, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on November 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 22, 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 Respondent of the Complaint, and the proceedings commenced on November 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 15, 2024. Respondent sent email communications to the Center on November 22, 2024. On December 20, 2024, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed John C. McElwaine 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.

4. Factual Background

Complainant is a leading provider of professionally monitored security solutions and the leading European provider of professionally monitored security systems with 24/7 response services. Complainant owns numerous trademark registrations worldwide, including:

- VERISURE, United Kingdom trademark registration No. UK00801052667, registered in 2011;
- VERISURE, United States of America trademark registration No. 6214577, registered in 2020; and
- VERISURE, European Union trademark registration No. 006674915, registered in 2010.

Collectively, these registered trademark rights are referred to as the “VERISURE Mark”.

The Complainant promote its business at the website “www.verisure.com”.

The Domain Name was registered on June 22, 2024. The Domain Name resolves to a website stating that it “has been suspended due to non-completion of an ICANN-mandated contact verification”.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element of the Policy, Complainant asserts that the Domain Name is confusingly similar to its VERISURE Mark as it incorporates the mark in its entirety with only the addition of the term “partner”. Complainant contends this addition increases confusion by suggesting an affiliation with Complainant.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name. Complainant has not licensed or authorized Respondent to use its marks. Complainant contends it sent a cease and desist letter to Respondent via email and through the Registrar, but Respondent chose not to reply, demonstrating a lack of rights or legitimate interests.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based upon Respondent’s passive holding of the Domain Name. In particular, Complainant asserts that the VERISURE Mark has been extensively promoted and well known. In addition, Complainant asserts that the identity of Respondent was concealed by a privacy service. Complainant further alleges that it attempted to contact Respondent via a cease and desist letter but no response was received. Lastly, Complainant asserts that use of the term “partner” in the Domain Name implies an affiliation with Complainant to the relevant consuming public.

B. Respondent

Respondent did not formally reply to Complainant’s contentions. The only communications received from Respondent were two brief emails on November 22, 2024, stating, “hey, i dont know anything about what you are sending me. i dont have the domain or whatever its been a mistake. remove it and all” and “I dont understand anything. Just close this and move on. Is this a Scam??”

6. Discussion and Findings

Even though Respondent has failed to submit a formal Response, paragraph 4(a) of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Because of Respondent's failure to submit a formal Response, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2. On this point, Complainant has provided evidence that it is the owner of several registrations for the VERISURE Mark.

The Domain Name incorporates Complainant's VERISURE Mark in its entirety, with the addition of the term "partner". As stated in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Therefore, the Panel concludes that the Domain Name is confusingly similar to Complainant's mark, and Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See section 2.1 of the [WIPO Overview 3.0](#).

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its VERISURE Mark or to register domain names incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term "Verisure Partner".

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy¹ or otherwise.

The Panel finds that Respondent's use of the Domain Name to resolve to a page empty of any content, other than a statement that Domain Name registration has been suspended due to violations of ICANN policy, does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy. In this case, while the page is currently inactive, the potential for future use could infringe on Complainant's rights. Respondent could have come forward with an explanation but did not. The Panel finds particularly relevant that Respondent was given multiple opportunities to demonstrate any rights or legitimate interests but failed to do so. Respondent did not respond to Complainant's cease and desist letter, and when formally being notified of the Complaint, Respondent's response was emails questioning whether the proceeding was a scam, denying it is the registrant of the Domain Name, and saying "whatever its been a mistake", rather than providing any evidence of rights or legitimate interests.

The silence of a respondent may support a finding that it has no rights or legitimate interests in respect of the domain name. See *Alcoholics Anonymous World Services, Inc., v. Lauren Raymond*, WIPO Case No. D2000-0007; *Ronson Plc v. Unimetal Sanayi ve Tic.A.S.*, WIPO Case No. [D2000-0011](#). Additionally, previous UDRP panels have found that when respondents have not availed themselves of their rights to respond to complainant, it can be assumed in appropriate circumstances that respondents have no rights or legitimate interests in the domain name at issue. See *AREVA v. St. James Robyn Limoges*, WIPO Case No. D2010-1017; *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

Lastly, the Panel finds that Respondent is not making any use, let alone bona fide use, of the Domain Name under paragraph 4(c), as the Domain Name resolves to an inactive webpage. It is well established that inaction or passive holding can, in certain circumstances, constitute bad faith use. See *CBS Broadcasting Inc. v. Edward Enterprises*, WIPO Case No. [D2000-0242](#). Here, with no explanation from Respondent concerning its intent, its passive holding of the Domain Name incorporating the VERISURE Mark does not amount to a bona fide use.

Based on the foregoing, Complainant has made a prima facie showing of Respondent's lack of any right or legitimate interest and Respondent has failed to come forward with evidence to rebut that showing. As provided for by paragraph 14 of the Rules, the Panel may draw such inference from Respondent's lack of a formal response as it considers appropriate. The Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no right or legitimate interest. See *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Based on Complainant's submissions, which

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

were not rebutted by Respondent, Respondent knew or should have known of Complainant's VERISURE Mark when Respondent registered the Domain Name. [WIPO Overview 3.0](#), section 3.2.2. Furthermore, and as also detailed above, Respondent is not commonly known by the Domain Name and does not have any legitimate interest in the Domain Name. Accordingly, on the record, there is no explanation or legitimate interest to justify Respondent's choice to register the Domain Name. With no formal Response from Respondent, this claim is undisputed, and the Panel can infer bad faith, particularly in light of the other elements of bad faith discussed below.

Furthermore, the fact that the Domain Name does not resolve to a website and is being passively held does not obviate a finding of bad faith. When a domain name is being passively held, the question of bad faith use does not squarely fall under one of the aforementioned non-exhaustive factors set out in paragraph 4(b) of the Policy. Section 3.3 of the [WIPO Overview 3.0](#), instructs that panelists should examine the totality of the circumstances in each case and that the following factors that have been considered relevant in applying the passive holding doctrine: "(i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put." *Id.*

Complainant submitted evidence that the VERISURE Mark has been registered for more than 10 years and that previous panels had recognized that Complainant "extensively promoted its products under VERISURE trademark", along with "the fame of the Complainant's VERISURE trademark". *Verisure Sàrl v. RYOICHI AOKI*, WIPO Case No. [D2022-4813](#). Respondent has not offered any evidence to rebut these assertions. Furthermore, by virtue of its failure to formally respond to the Complaint, Respondent provided no evidence of its intended use of the Domain Name. In fact, Respondent is not using the Domain Name in any manner to demonstrate a bona fide use or potential use. In addition, Respondent may have concealed its true identity by using false contact information as the Written Notice could not be delivered to the postal address confirmed by the Registrar for Respondent, or Respondent intentionally did not respond to the contact verification requests from the Registrar, to a demand letter from Complainant and to this Complaint. Lastly, with no response to explain its choice of word "partners" in the Domain Name, it is apparent that Respondent sought to imply an affiliation with Complainant which was not true. In light of these factors, the Panel finds that Respondent's passive holding of the Domain Name satisfies the requirement of paragraph 4(a)(iii) of the Policy that the Domain Name was registered and is being used in bad faith by Respondent.

For the reasons set forth above, the Panel finds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <verisurepartner.com>, be transferred to Complainant.

/John C. McElwaine/

John C. McElwaine

Sole Panelist

Date: January 10, 2025