

## **ADMINISTRATIVE PANEL DECISION**

DEKRA SE v. Julie Maillet

Case No. D2024-5226

### **1. The Parties**

The Complainant is DEKRA SE, Germany, represented by Hauck Patent- und Rechtsanwälte, Germany.

The Respondent is Julie Maillet, France.

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

The disputed domain name <controle-dekra.com> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2024. On December 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 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 (unknown, Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 20, 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 amendment to the Complaint December 20, 2024.

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 December 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 17, 2025.

The Center appointed Dawn Osborne as the sole panelist in this matter on January 22, 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 manages the operational business within the DEKRA Group. DEKRA e.V. was founded in the 1920s as “Deutscher Kraftfahrzeug-Überwachungs-Verein” and focuses on the testing of motor vehicles and technical systems. The Complainant is a wholly-owned subsidiary of DEKRA e.V., which is the owner of the DEKRA trademark portfolio and which has authorized the complainant to assert in its own name claims based on trademarks that arise from the unlawful use of marks by third parties, in or out of court and this authorization also applies to complaints in connection with infringing domain names.

DEKRA e.V. is the owner of the trademark DEKRA, registered, inter alia, as European trademark number 11792066 for certification services since August 19, 2014.

The Complainant and other entities of the DEKRA Group operate the websites “www.dekra.com”, “www.dekra.fr” and, inter alia, own the domain name <dekra-france.com> (redirecting to inter alia <dekra.fr>).

The Complainant and many of its subsidiaries use the name “DEKRA” as part of their respective company names, which the public shortens to the company keyword “DEKRA”.

Two subsidiaries of DEKRA SE, namely DEKRA Certification GmbH and DEKRA Testing and Certification GmbH assume responsibility for the certification services provided by the DEKRA Group. The business field of certification covers a wide range of sectors including product certification, including medical devices, certification of persons/individuals and certification of management systems.

The disputed domain name registered October 24, 2024, does not point to an active website, but has been used for a fraudulent email scheme impersonating the Complainant and/or other members of its group of companies to collect personal details from Internet users.

#### **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 confusingly similar to the Complainant’s prior trademark merely adding the generic term “controle” and the generic-Top-Level Domain (“gTLD”) “.com” neither of which prevents the said confusing similarity. (The Panel notes that the Respondent has also added a hyphen).

The Respondent does not have rights or legitimate interests in the disputed domain name, is not commonly known by it and is not authorised by the Complainant.

The disputed domain name which has a high risk of affiliation with the Complainant has not been pointed to an active website but has been used for a fraudulent email scheme impersonating the Complainant and/or other members of its group of companies to collect personal data. This is not a bona fide offering of goods or services or a legitimate noncommercial or fair use. Registering a domain name containing a trademark with a reputation and phishing is considered registration and use in bad faith.

## **B. Respondent**

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

## **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 Panel finds that the Complainant's mark DEKRA is recognizable within 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, "controle" 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, nor does the addition of a hyphen being simply punctuation. [WIPO Overview 3.0](#), section 1.8.

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.

The Respondent is not commonly known by the disputed domain name and is not authorised by the Complainant.

Panels have held that the use of a domain name for illegal activity, here phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent is not using the disputed domain name for an active site but has used it for a phishing email scheme.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here phishing 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.

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 <controle-dekra.com> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: January 28, 2025