

ADMINISTRATIVE PANEL DECISION

Visma AS v. Marv Backman, software
Case No. D2025-0388

1. The Parties

The Complainant is Visma AS, Norway, internally represented.

The Respondent is Marv Backman, software, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <visma-group.com> is registered with Realtime Register B.V. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 31, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 7, 2025. In accordance with paragraph 5 of the Rules, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 28, 2025.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on March 5, 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant is a software company in Norway that develops and delivers software to small businesses, medium businesses, and the public sector. The Complainant is a leading provider of mission-critical business software with over 1.9 million customers.

The Complainant owns worldwide the registered VISMA trademarks (the “VISMA Trademarks”), including the verbal and figurative Norwegian Trademark No. 182005, which is registered on May 15, 1997, and the verbal and figurative European Union Trade Mark No. 000013482, which is registered on April 6, 1998.

The Complainant operates the domain name <visma.com> for its official website. The Complainant owns the following domain names: <visma-group.it>, <vismagroup.it>, <visma-group.ca>, <vismagroup.ca>, <visma-group.gr>, <vismagroup.gr>, <visma-group.com.br>, <vismagroup.com.br> and <vismagroup.com>.

The disputed domain name was registered on August 30, 2024. The disputed domain name resolves to an inactive website. However, the disputed domain name was used to send fraudulent emails impersonating the Complainant.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant's contentions may be summarized as follows:

The disputed domain name is identical or confusingly similar to the VISMA Trademark and the domain names that the Complainant owns.

The owner of the disputed domain name has no connection with the Complainant or any of its affiliates. The Complainant has not authorized, licensed or permitted the Respondent in any other matter.

The Complainant's VISMA Trademark is widely known in the software industry. The disputed domain name was used to create an email account and to commit email frauds using this account and pretending to be the Complainant's current CEO. The emails were sent to the Complainant's several investors and owners to establish contact. The Complainant's investors who received an email responded with concern because the email originated from an unfamiliar email address that had never been used for communication between the parties before. The Complainant reported the abuse swiftly after discovering the emails and got the disputed domain name suspended. The Respondent is undoubtedly familiar with the Complainant's business by impersonating the Complainant's CEO in emails. It is highly probable that the motivation behind this impersonation was primarily economic or possibly for business advantage.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

- (i) the disputed domain name is identical or 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)).

The disputed domain name incorporates the Complainant's VISMA Trademark in its entirety and the term "group", which are connected by a hyphen, along with the generic Top-Level Domain ("gTLD") ".com".

As noted 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 term would not prevent a finding of confusing similarity under the first element in paragraph 4(a) of the Policy. The Complainant's VISMA Trademark is clearly recognizable within the disputed domain names. The additional term "group" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's VISMA Trademark under the first element in paragraph 4(a) of the Policy.

Moreover, the applicable gTLD in a domain name is viewed as a standard registration requirement and as such is disregarded for assessing the confusing similarity under the first element in paragraph 4(a) of the Policy. See section 1.11.1 of the [WIPO Overview 3.0](#).

Therefore, the Panel finds that the first element in paragraph 4(a) 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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy. The Respondent has no trademark rights for the term VISMA used in the disputed domain name. Moreover, the Respondent is not affiliated with the Complainant, and the Respondent has not been authorized by the Complainant to register or use the disputed domain name or to seek the registration of any domain name incorporating the Complainant's VISMA Trademark.

Further, as stated in section 2.13.1 of the [WIPO Overview 3.0](#), the use of a domain name for illegal activity here, claimed phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. Thus, the Respondent's fraudulent use of the disputed domain name as an email account does not amount to a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production on the second element in paragraph 4(a) of the Policy shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed 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 in paragraph 4(a) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

Having reviewed the available record, the Panel finds that 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.

Accordingly, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant's VISMA Trademark was first registered about more than twenty-five years ago. Considering that the Respondent use of the disputed domain name for fraudulent phishing email messages, the Respondent must have been undoubtedly aware of the Complainant's VISMA Trademarks at the time of the registration and use of the disputed domain name (see *Visma ASA v. Domains by Proxy, Inc.* / *Viswanath Dhyaram*, WIPO Case No. [D2008-1780](#); and *Visma AS v. Intdomain, Apexed*, WIPO Case No. [D2015-1523](#)). Therefore, the Respondent is considered to be intentionally attempting to create a likelihood of confusion with the Complainant's VISMA Trademarks in order to obtain commercial gain pursuant to paragraph 4(b)(iv) of the Policy.

Consequently, the Panel finds that the third element in paragraph 4(a) of the Policy has been established.

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 <visma-group.com> be transferred to the Complainant.

/Yuji Yamaguchi/

Yuji Yamaguchi

Sole Panelist

Date: March 19, 2025