

## **ADMINISTRATIVE PANEL DECISION**

COVIVIO v. Lukman Thomas, Tehila Enterprise  
Case No. D2025-1435

### **1. The Parties**

The Complainant is COVIVIO, France, represented by Godefroy Larcher Avocats, France.

The Respondent is Lukman Thomas, Tehila Enterprise, Nigeria.

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

The disputed domain name <coviviorentals.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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 the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 2, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on May 8, 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.

On May 8, 2025, the Panel issued Procedural Order No. 1 in which it requested the Complainant to amend the Complaint to reflect the correct Registrar information by May 13, 2025. On May 9, 2025, the Complainant submitted an Amended Complaint. The Respondent was given the opportunity to comment by May 18, 2025, but did not respond.

#### **4. Factual Background**

The following facts are undisputed.

The Complainant is the French company COVIVIO, an investment and development company, active in the European Union ("EU"), in the fields of real estate, property development, hotels and management services of property and coworking spaces. The Complainant is notably active in Italy, in the field of rental in relation to real estate. It has a portfolio of EUR 23.1 billion.

The Complainant is the owner of the domain name <covivio.eu> directing visitors to the Complainant's corporate website for further information about its activities.

The Complainant conducts its operations under the COVIVIO trademark, which has been registered in many countries and territories worldwide, including the EU word mark COVIVIO with no. 017514423, registered on March 7, 2018, and the EU figurative mark COVIVIO with no. 017631581, registered on April 25, 2018, both registered for inter alia, real estate services in class 36.

The disputed domain name was registered on February 17, 2025. The disputed domain name does not resolve to an active website. According to the evidence provided with the Complaint, the disputed domain name has been used to send fraudulent emails.

#### **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 the following.

The Complainant's trademark registrations of COVIVIO predate the disputed domain name.

The disputed domain name contains the Complainant's trademark COVIVIO in its entirety, followed by the descriptive word "rentals" which refers to the Complainant's core business.

There is no relationship between the Complainant and the Respondent. Now that the Respondent is also not commonly known by the name "Covivio" or "Coviviorentals" and has not registered any similar exclusive rights to the disputed domain name, there is no indication of legitimate interests in the registration of the disputed domain name.

The Complainant was made aware of the disputed domain name after it was used for phishing purposes by impersonating the Complainant's identity and fraudulently reproducing the Complainant's trademarks, including the figurative mark, via emails sent using the disputed domain name.

The Complainant sent several letters to the Respondent and the Registrar of the disputed domain name before starting this proceeding.

## **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 entirety of the mark is reproduced 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.

Additionally, although the addition of other terms, here the term "rentals", 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.

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.

On the contrary, the Respondent has used the disputed domain name to impersonate the Complainant by sending what seem to be phishing emails. Panels have held that the use of a domain name for such illegal activity 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 refers to its considerations under 6.B.

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 used the disputed domain name as an email server to send what seemed to be phishing emails to individuals, pretending to be the Complainant. 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 <coviviorentals.com> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: May 19, 2025