

## **ADMINISTRATIVE PANEL DECISION**

VUSIONGROUP v. John Kelly

Case No. **DIO2025-0041**

### **1. The Parties**

The Complainant is VUSIONGROUP, France, represented Domgate, France.

The Respondent is John Kelly, United States of America.

### **2. The Domain Name(s) and Registrar(s)**

The disputed domain name <vusion.io> is registered with Porkbun LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 2025, 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 (REDACTED, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 2025, 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 October 31, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent sent email communications to the Center on October 14, 21, and 23, 2025. The Center acknowledged receipt of the Respondent’s communications. On November 25, 2025, the Center informed the Parties that it will proceed to Panel Appointment.

The Center appointed Torsten Bettinger as the sole panelist in this matter on November 28, 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, originally operating under the name Group SES (Store Electronic Systems), was founded in 1992 by an entrepreneur from a long-established retail family in France. Following continuous growth, it was listed on the Paris stock exchange in 2006 and expanded its activities to Asia and Latin America in 2007. After entering into a strategic alliance, the company adopted the name SES-imagotag. Over the years, the Complainant has introduced a number of technological innovations, including the VUSION Retail IoT platform, designed to support retailers in transforming their physical stores into highly automated, data-driven, and digitally connected assets in real time. The Complainant maintains contractual relationships with numerous major retail chains worldwide.

In 2024, the Complainant rebranded as VUSIONGROUP. Today, it is a leading provider of digital solutions for physical retail, serving more than 350 major retailers across Europe, Asia, and the Americas. The company operates 25 offices worldwide and employs approximately 850 people. Its turnover in 2023 amounted to EUR 802 million.

The Complainant owns a global trademark portfolio for the mark VUSION, including European Union Trade Mark No. 017952747 for the word mark VUSION, registered on January 30, 2019, covering goods and services in Classes 6, 9, 20, 35, 38, and 42.

The Complainant, in particular, owns the domain name <vusion.io>, registered in 2017, which resolves to its official English-language website.

The disputed domain name was registered on May 30, 2025. At the time of filing, the disputed domain name did not resolve to an active website. It now merely points to the Registrar's default parking page.

On June 3, 2025, the Complainant sent a cease-and-desist letter to the Respondent followed by two additional contact attempts submitted through the Respondent's contact form. Reminders were issued on June 20, 2025, and July 3, 2025. The Respondent did not reply to any of these communications.

#### **5. Parties' Contentions**

##### **A. Complainant**

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that:

- the Complainant's trademark rights in VUSION long predate the registration of the disputed domain name;
- the disputed domain name differs from the Complainant's VUSION mark only by the insertion of an additional vowel "i", and from the Complainant's own domain name <vusion.io> by that same minor misspelling;
- such an alteration constitutes a classic typographical variant and does not prevent a finding of confusing similarity;
- the addition of the ".io" extension does not avoid confusing similarity and should be disregarded for the purpose of comparison;

- although “.io” is technically the country-code Top Level Domain (“ccTLD”) for the British Indian Ocean Territory, it is widely used in the technology sector and is among the ccTLDs most frequently targeted by cybersquatters;
- incorporating a complainant’s mark in its entirety is sufficient to establish confusing similarity, even where minor spelling variations are introduced.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submitted that,

- the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not known by the name “VUSION” or any similar designation, nor has the Complainant authorized, licensed, or otherwise permitted the Respondent to use its VUSION trademark in any manner;
- at the time of filing, the disputed domain name did not resolve to any active website. It now displays only the Registrar’s default holding page, which does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- the Respondent’s passive holding of the disputed domain name confirms that the Respondent is not using the disputed domain name in connection with any legitimate business activity and cannot establish rights or legitimate interests under the Policy.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that,

- It is inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s trademark;
- the ccTLD “.io” is marketed to attract a lot of people and, for sure, is attracting cybersquatters. Technology firms (as the Complainant) are prime targets for such individuals;
- the typosquatting consisting of adding the vowel “i” in the middle of a well-known trademark cannot be considered as a good faith behavior;
- the non-use of a domain name (including a blank or “coming soon” page) does not prevent a finding of bad faith under the doctrine of passive holding as the Respondent failed to respond to the several attempts to contact him;
- there is no plausible good faith use to which the disputed domain name may be put, considering the trademark VUSION is well known.

## **B. Respondent**

The Respondent did not reply to the Complainant’s contentions. The Respondent sent informal communications to the Center on October 14, 21, and 23, 2025. The Respondent stated, “I have removed my registration of this domain”, “I have removed my registration of this domain, and have no ownership or affiliation of anything in violation of your brand now”, and “I’m not sure if anyone has been receiving my emails. I am a college student who has no association with this name, domain, or company whatsoever. I removed my registration of the domain months ago. I believe you are wasting your time as well as mine on this matter. Thank you”.

## **6. Applicable Policy and Relevant Principles**

This proceeding is brought under the .IO Domain Name Dispute Resolution Policy (the “Policy”) and the corresponding Rules (the “Rules”). The Policy is similar to the Uniform Domain Name Dispute Resolution Policy (“UDRP”) adopted by ICANN, in particular as regards the three cumulative elements which a complainant must establish, namely that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

- the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered or is being used in bad faith.

In view of this close similarity, panels appointed under the Policy have commonly regarded UDRP case law as highly persuasive when interpreting and applying the .IO Policy. The Panel considers it appropriate in this case likewise to refer, where relevant, to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)); and established UDRP decisions rendered under the UDRP by the Center and other approved providers, as persuasive authority for the interpretation of concepts such as “confusingly similar”, “rights or legitimate interests”, and “registered or used in bad faith” under the Policy.

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

- (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 or 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. 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 notes that the Complainant’s mark VUSION is reproduced in the disputed domain name with the mere insertion of an additional vowel “i” after the initial “v”, resulting in “viusion”. This represents a minor typographical alteration. The Complainant’s mark remains clearly recognizable within the disputed domain name. Under UDRP practice, such slight misspellings or “typosquatting” variants do not prevent a finding of confusing similarity where the complainant’s mark is still readily identifiable (see [WIPO Overview 3.0](#), section 1.9).

Panels have consistently held that a domain name which incorporates a complainant’s mark in its entirety, or with only a minor spelling variation, is sufficient to establish confusing similarity for the purposes of paragraph 4(a)(i) of the Policy. The disputed domain name <viusion.io> plainly falls into this category, as it differs from the Complainant’s mark VUSION only by the insertion of a single letter.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s VUSION trademark within the meaning of paragraph 4(a)(i) of the Policy.

### **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.

The record shows inter alia that the Complainant's trademark registrations predate the Respondent's registration of the disputed domain name. The Complainant has not licensed, approved, or otherwise consented to the Respondent's registration or use of its mark in the disputed domain name.

On this basis, the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests.

The disputed domain name does not resolve to an active website. It merely displays the Registrar's standard holding page. Such passive holding and registrar parking do not constitute a bona fide offering of goods or services under paragraph 4(c)(i), nor a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. There is also no evidence that, prior to notice of the dispute, the Respondent used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services.

Although afforded the opportunity, the Respondent has not come forward with any circumstances under paragraph 4(c) of the Policy (or otherwise) to demonstrate rights or legitimate interests.

The Respondent has provided no evidence that it owns any relevant trademark, is commonly known by the disputed domain name, or intends to make a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain or to misleadingly divert consumers.

In the absence of any evidence rebutting the Complainant's prima facie case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The requirement of paragraph 4(a)(ii) of the Policy is therefore satisfied.

### **C. Registered or 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 or use of a domain name in bad faith.

In the present case, the Panel notes that the Complainant provided evidence of multiple trademark registrations for the VUSION mark that predate the registration of the disputed domain name.

The Complainant holds multiple VUSION trademark registrations that long predate the disputed domain name. The Complainant also owns the domain name <vusion.io>, registered in 2017.

The disputed domain name <viusion.io> differs only by the insertion of an additional "i" after the initial "v", and is therefore an obvious typographical variant of the Complainant's mark and of its domain name. Given (i) the distinctiveness of the VUSION mark in the relevant sector, (ii) the Complainant's international presence, and (iii) the fact that the disputed domain name reproduces the Complainant's mark with a minor, targeted misspelling, the Panel considers it more likely than not that the Respondent was aware of the Complainant and its VUSION mark when registering the disputed domain name. The selection of such a close typo variant is consistent with a pattern of typosquatting, which UDRP panels have repeatedly considered indicative of bad faith.

As to use, the disputed domain name does not resolve to an active, substantive website and has been passively held, displaying only a registrar holding page. The Respondent has not come forward with any explanation or evidence of a good faith purpose. On the contrary, the Complainant has shown that it sent a

cease-and-desist letter on June 3, 2025. and two further reminders on June 20, 2025, and July 3, 2025, to which the Respondent did not respond.

It is well established that passive holding does not preclude a finding of bad faith where, in light of the totality of circumstances, it is not possible to conceive of any plausible good faith use of the domain name. As articulated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and reflected in section 3.3 of the [WIPO Overview 3.0](#), relevant factors include the distinctiveness and reputation of the complainant's mark, the respondent's failure to provide any evidence of actual or contemplated good-faith use, and the implausibility of any legitimate use of the domain name.

In the present case, (i) the disputed domain name is a clear typographical variant of the Complainant's distinctive VUSION mark and of its <vusion.io> domain name, (ii) the Respondent has no rights or legitimate interests in the disputed domain name, (iii) the Respondent has ignored multiple pre-complaint communications and has not replied to the Complainant's contentions, and (iv) there is no credible good faith use the Respondent could make of a domain name so closely imitating the Complainant's mark and domain name in the same commercial and technical context.

Taken together, these circumstances support a finding of both bad faith registration and bad faith use within the meaning of paragraph 4(a)(iii) of the Policy.

## 8. 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 <viusion.io> be transferred to the Complainant.

/Torsten Bettinger/

**Torsten Bettinger**

Sole Panelist

Date: December 12, 2025