

**DISPUTE RESOLUTION SERVICE**

**D00009134**

**Decision of Independent Expert**

**Veolia Environnement Uk Ltd**

and

**Mr Raj Singh**

**1. The Parties:**

Complainant

Veolia Environnement Uk Ltd  
Ipulse, Byron House  
Cambridge Business Park  
Cowley Road  
Cambridge  
Cambridgeshire  
CB4 0WZ  
United Kingdom

Respondent:

Mr Raj Singh  
Lion House  
44 Hostmoor Avenue  
March  
PE15 0AX  
United Kingdom

**2. The Domain Name(s):**

veoliaskips.co.uk

### **3. Procedural History:**

06 October 2010 16:41 Dispute received  
12 October 2010 12:14 Complaint validated  
12 October 2010 12:36 Notification of complaint sent to parties  
03 November 2010 10:28 Response received  
03 November 2010 10:28 Notification of response sent to parties  
12 November 2010 10:27 Reply received  
12 November 2010 10:29 Notification of reply sent to parties  
12 November 2010 10:29 Mediator appointed  
17 November 2010 14:37 Mediation started  
25 July 2011 15:00 Mediation failed  
25 July 2011 15:01 Close of mediation documents sent  
04 August 2011 06:07 Complainant full fee reminder sent  
04 August 2011 11:52 Expert decision payment received

### **4. Factual Background**

The Complainant is a substantial company offering environmental services and is the owner of, inter alia, a UK trade mark registration for VEOLIA in a number of classes for goods and services relevant to its business. The Respondent owns other domain names containing the trade marks of third parties and advised the Complainant that it could purchase the Domain Name from him and that he would consider a fair and reasonable proposal from them.

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

The Complainant's contentions can be summarised as follows:

The Complainant is the world leader in environmental services and has been in operation for 155 years. The revenue of the Complainant in 2009 was £34.6 billion Euros. It owns a wide number of trade mark registrations including the UK trade mark VEOLIA for goods and services relevant to its business which include waste management. The VEOLIA mark is well known worldwide and extensively used in the UK. In the UK it has been operating since 1990, has over 12,000 employees, serves over 70,000 customers and has revenues from 2008 of £1.3 billion. In the UK it has around 133 contracts with around 100 local authorities and waste disposal authorities.

There is no reason to register the Domain Name except to refer to the Complainant or to benefit from its well known mark or to interrupt or block the Complainant's business in the UK.

A letter before action was sent to the Respondent and no response was received.

The Respondent owns a number of domain name registrations which clearly relate to other third party brands, including some relating to the Complainant's service sector, including registrations containing the brand Mick George which is a well known brand of skips in the UK.

The Domain Name is an abusive registration. The Respondent has registered it for profit, as a blocking registration or for unfairly disrupting the business of the Complainant. He is using or threatening to use in a way likely to confuse people that the Domain Name is connected with the Complainant. He is engaged in a pattern of registrations which correspond to well known names in which the Respondent has no apparent rights and the Domain Name is part of that pattern.

The Respondent's contentions can be summarised as follows:

The Respondent owns a wide array of domain names in different sectors of industry.

He has never intended to activate the Domain Name.

He received the notice of the Complainant's claims some months ago.

He contests how high the Complainant says that its business is valued and that it is a worldwide brand with such high sales of 34billion per annum.

He has no desire or intention to sell the Domain Name, but he did advise the Complainant that they could, if they so wished, purchase it from him. He does not remember receiving an offer to purchase, but he has been ill.

If the Domain Name is valuable to the Complainant as a worldwide conglomerate then it should present its reasonable proposal to the Respondent

to purchase the Domain Name for a fair and reasonable consideration.

The Respondent does not have any desire or intention to create financial detriment to the Complainant, but would consider any fair and reasonable proposal it made.

The Respondent has not tried to stop the Complainant from using the name he has registered. The Complainant has not demonstrated that it has suffered financially.

## **6. Discussions and Findings**

### General

To succeed in this Complaint the Complainant has to prove to the Expert pursuant to paragraph 2 of the Policy on the balance of probabilities, first, that it has Rights (as defined in paragraph 1 of the Policy) in respect of a name or mark identical or similar to the Domain Name and, secondly, that the Domain Name, in the hands of the Respondent, is an Abusive Registration (as defined in paragraph 1 of the Policy).

### Complainant's Rights

The Complainant is the proprietor of, inter alia, a UK registered trade mark for VEOLIA and has extensive trading goodwill in a number of countries around the world including the UK. The addition of the generic term "skips", related to waste management, a field in which the Complainant operates, does not serve to avoid the similarity between the Domain Name and the Complainant's registered trade mark VEOLIA. Accordingly the Expert finds that the Complainant has Rights in respect of a name or mark, which is similar to the Domain Name.

### Abusive Registration

This leaves the second limb. Is the Domain Name, in the hands of the Respondent, an Abusive Registration? Paragraph 1 of the Policy defines "Abusive Registration" as:-  
"a Domain Name which either:

i. was registered or otherwise acquired in a manner, which at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; OR

ii. has been used in a manner, which took unfair advantage of or was unfairly detrimental to the Complainant's Rights."

A non-exhaustive list of factors, which may be evidence that the Domain Name is an Abusive Registration is set out in paragraph 3a of the Policy. There being no suggestion that the Respondent has given false contact details or has a relationship with the Complainant, the potentially relevant 'factors' in paragraph 3 are to be found in subparagraph i, ii and iii which read as follows:

i "Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:

A. for the purposes of selling, renting or otherwise transferring the Domain Name to the Complainant or to a competitor of the Complainant for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly associated with acquiring or using the Domain Name;

B. as a blocking registration against a name or mark in which the Complainant has Rights; or

C. for the purpose of unfairly disrupting the business of the Complainant;"

ii "Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant"

iii "The Complainant can demonstrate that the Respondent is engaged in a pattern of registrations where the Respondent is the registrant of domain names (under.uk or otherwise) which correspond to well known names or trade marks in which the Respondent has no apparent rights, and the Domain Name is part of that pattern."

The Expert is of the opinion that the Respondent's conduct and use of the Domain Names is indicative of relevant abusive conduct. The VEOLIA mark is distinctive through use and given the use of the word "skips" a term related to waste management, a field in which the Complainant is known, it is likely on the balance of probabilities that the Respondent had the Complainant in mind

when he registered the Domain Name which indicates an intention to use the Domain Name to make a profit, as a blocking registration or to ride on the Complainant's goodwill, thereby disrupting the Complainant's business and taking undue advantage and causing detriment.

The Respondent is the owner of a number of domain names containing known trade marks belonging to third parties including the mark Mick George also known for waste management services and several other registrations for the Complainant's mark in the .com gtld. He has also offered to sell the Domain Name to the Complainant.

In the view of the Expert, in its registration and use of the Domain Names, the Respondent took unfair advantage of and caused detriment to the Complainant's rights under para 3 a 1 and iii of the Policy. As such there is no need to make a finding under 3 a ii.

Accordingly, the Expert finds that the Domain Name is an Abusive Registration within the definition of that term in paragraph 1 of the Policy.

## **7. Decision**

In light of the foregoing findings, namely that the Complainant has Rights in respect of a name which is similar to the Domain Name and that the Domain Name, in the hands of the Respondent, is an Abusive Registration, the Expert directs that the Domain Name, veoliaskips.co.uk be transferred to the Complainant.

**Signed: Dawn Osborne**

**Dated: 17 August 2011**