

ADMINISTRATIVE PANEL DECISION

Belfius Bank S.A. / Belfius Bank N.V. v. S Jon Grant
Case No. D2023-0052

1. The Parties

The Complainant is Belfius Bank S.A. / Belfius Bank N.V., Belgium, represented internally.

The Respondent is S Jon Grant, United States of America.

2. The Domain Name and Registrar

The disputed domain name <omgevinginlog-uwbelius.digital> is registered with Dynadot, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 5, 2023. On January 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 6, 2023, 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 January 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Commencement of Panel Appointment Process on February 1, 2023.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on February 7, 2023. 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 is a Belgian bank and financial services provider with more than 5,000 employees and over 650 agencies. Its activities are focused on the Belgian territory, and operates under the trademark BELFIUS or related brands incorporating the term “belfius”.

The Complainant owns several trademark registrations for the BELFIUS mark, including the European Union Trade Mark Registration No. 010581205, BELFIUS, word, registered on May 24, 2012, in classes 9, 16, 35, 36, 41, and 45; and Benelux Trademark Registration No. 914650, BELFIUS, word, registered on May 10, 2012, in classes 9, 16, 35, 36, 41, and 45, (collectively the “BELFIUS mark”).

The Complainant further owns numerous domain names comprising its BELFIUS mark, including <belfius.be> (registered on January 23, 2012), and <belfius.com> (registered on January 20, 2012). The domain name <belfius.be> resolves to the Complainant's official website where it offers banking and insurance services, and the domain name <belfius.com> resolves to a website intended for institutional partners and journalists. Other domain names owned by the Complainant are redirected to its official website at “www.belfius.be”.

The disputed domain name was registered on June 14, 2022, and it currently resolves to a message that indicates that it has been blocked due to potential fraudulent or phishing activities. According to the evidence provided by the Complainant, the disputed domain name has resolved to a parked page displaying promotional or Pay-Per-Click (“PPC”) links to third parties’ websites in various sectors.

On July 8 and July 13, 2022, the Complainant sent email communications to the Registrar requesting the suspension of the disputed domain name and the blockage of its content.

On September 23, 2022, the Complainant sent a cease and desist email communication to the Respondent indicated in the Registrar verification, which obtained no response.

5. Parties’ Contentions

A. Complainant

Key contentions of the Complaint may be summarized as follows:

The BELFIUS mark has solid reputation in Belgium and beyond. The Complainant’s activities are focused on the Belgian territory, but it sponsors several national sports teams and sports events.

The disputed domain name is confusingly similar to the BELFIUS mark. The BELFIUS mark is an invented word composed of the elements “Bel” from the term “Belgium”, “fi” from the term “finance”, and the English word “us”. The disputed domain name incorporates this trademark in its entirety preceded by the terms “omgeving” (that means “environment” in Dutch language), “inlog” (that means “login” in Dutch), and, separated by a hyphen, “uw” (that means “your” in Dutch). The generic Top-Level-Domain (“gTLD”) “.digital” that is considered as a standard registration requirement. The BELFIUS mark is recognizable in the disputed domain name, and the additional terms included in the disputed domain name strengthen the association with the Complainant and its trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant’s trademark registrations predate the registration of the disputed domain name. The Respondent is not associated with the Complainant, has no authorization to use the BELFIUS mark, and is not commonly known by the disputed domain name. The Respondent is not making any use or demonstrable preparations to use the disputed domain name in connection with an active website or a *bona fide* offering of goods or services.

The disputed domain name was registered and is being used in bad faith. The Complainant has established a substantial presence on the Internet. Any search over the Internet reveals the Complainant, its trademarks, its websites, and its numerous domain names. If the Respondent had conducted any search before registering the disputed domain name, it would have found reference to the Complainant and its prior rights. The Respondent thus either knows or should have known of the Complainant's trademarks or else exercised a willful blindness. The choice of the terms included in the disputed domain name further indicates that the Respondent was aware of the Complainant and its trademark. The disputed domain name was registered and has been used targeting the Complainant to misleadingly divert consumers to a parked page displaying PPC links for commercial gain, and this tarnishes the Complainant's trademark. The Respondent's provision of incomplete contact details in the Whois related to the disputed domain name, and his lack of response to the cease and desist notice are further evidence of bad faith.

The Complainant has cited previous decisions under the Policy as well as various paragraphs of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") that it considers supportive of its position, and requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy, and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute by examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

A. Identical or Confusingly Similar

The Complainant indisputably has rights in the registered trademark BELFIUS, both by virtue of its trademark registrations and as a result of its continuous use in the market of this mark for over ten years.

The first element of the Policy functions primarily as a standing or threshold requirement. The disputed domain name incorporates the BELFIUS mark in its entirety, preceded by the Dutch terms "omgeving" and "inlog", separated by a hyphen, and the Dutch term "uw". The BELFIUS mark is recognizable in the disputed domain name, and the gTLD ".digital" is a technical requirement, generally disregarded for the purpose of the analysis of the confusing similarity. See sections 1.7, 1.8, and 1.11 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, and the first element of the Policy under paragraph 4(a)(i) has been satisfied.

B. Rights or Legitimate Interests

Although the Complainant bears the ultimate burden of establishing all three elements of paragraph 4(a) of the Policy, UDRP panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is primarily if not exclusively within the Respondent's knowledge. Thus, the consensus view is that paragraph 4(c) of the Policy shifts to the Respondent the burden of coming forward with evidence of rights or legitimate interests in the disputed domain name, once the Complainant has made a *prima facie* showing indicating the absence of such rights or legitimate interests.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

The Complainant's assertions and evidence effectively shift the burden to the Respondent of producing evidence of rights or legitimate interests in the disputed domain name, providing the circumstances of paragraph 4(c) of the Policy, without limitation, in order to rebut the Complainant's *prima facie* case. However, the Respondent has not replied to the Complainant's contentions, not providing any explanation or evidence of rights or legitimate interests in the disputed domain name.

The Panel considers that there is no evidence in the record suggesting that the Respondent has rights or legitimate interests in the disputed domain name. Nothing in the record suggests that the Complainant has authorized, licensed, or otherwise permitted the Respondent to use the BELFIUS mark, the Parties have no business relationship, and the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel notes that there is no evidence that the Respondent is commonly known by the disputed domain name or by any name similar to it, as the Respondent's name (revealed by the Registrar's verification) does not include the term "belfius", which is a coined term, or any other term included in the disputed domain name. In this respect, the Panel, under its general powers, has further corroborated through the Global Brand database that the Respondent does not own any trademark registration including or consisting of the term "belfius".

The Panel further notes that the disputed domain name generates an affiliation with the Complainant and its banking business, as it incorporates the BELFIUS mark preceded by terms that may be understood by Internet users as a reference to the configuration of a login access in their user page of the Complainant's banking and insurance online system. In this respect, the Panel notes that the Dutch term "omgeving" may be translated as "environment", "inlog" as "login", and the Dutch word "uw" means "your". Therefore, the Panel considers that the terms included in the disputed domain name may be understood as "a login access in your BELFIUS" generating a risk of confusion or affiliation with the Complainant and its banking and insurance business.

The Panel considers that, as the disputed domain name generates an affiliation with the Complainant and its trademark, it is not possible to find any possible use of the disputed domain name that could be considered a *bona fide* offering of goods or services under the Policy. Furthermore, the particular meaning of the terms included in the disputed domain name suggests its potential use in any type of fraudulent activity or phishing scam. Therefore, the Panel finds that nothing on the record would support a finding that the Respondent has any rights or legitimate interests in the disputed domain name.

It is further remarkable that the Respondent has chosen not to reply to the Complaint.

The Panel, therefore, concludes that the cumulative facts and circumstances point to the Respondent lacking any rights or legitimate interests in the disputed domain name. Therefore, the second element of the Policy under paragraph 4(a)(ii) has been established.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(a)(iii), requires that the Complainant establish that the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof is, likewise, the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2, [WIPO Overview 3.0](#).

The Panel under its general powers articulated, *inter alia*, in paragraph 10 of the Rules, has conducted a search over the Internet regarding the term "belfius", which reveals the Complainant and its trademark, as well as the extensive presence over the Internet of the Complainant and its business.

The Panel considers that the cumulative circumstances of this case point to bad faith registration and use of the disputed domain name.

- (i) the term “belfius” is a coined term;
- (ii) the disputed domain name incorporates the BELFIUS mark in its entirety adding terms that contribute to generate a risk of implied affiliation and confusion, giving the impression that the disputed domain name refers to a page for setting up a login access to the Complainant's banking and insurance services online platform;
- (iii) the Complainant's trademark has an extensive presence over the Internet, so that any search over the Internet reveals the Complainant and its trademark;
- (iv) the disputed domain name has been used for displaying promotional PPCs links to third parties' websites in different sectors, and it is currently blocked due to potential fraudulent or phishing activities; and
- (v) the Respondent has not offered any explanation of any rights or legitimate interests in the disputed domain name and has not come forward to deny the Complainant's assertions of bad faith.

Therefore, on the balance of probabilities, taking into consideration all cumulative circumstances of this case, the Panel considers that the disputed domain name was registered to target the BELFIUS mark in bad faith. The evidence and circumstances of this case show that, in balance of probabilities, the disputed domain name was registered and has been used with the intention of obtaining a free ride on the Complainant and its trademark for purposes of increasing the Internet traffic to the parked page linked to the disputed domain name and deriving commercial gain from the click-through revenue received therefrom, which constitutes bad faith under the Policy.

The Panel further finds that there is a potential risk that the Respondent might be engaged in, or might have an intention to engage, in some type of phishing scheme.

All of the above-mentioned circumstances leads the Panel to conclude that the disputed domain name was registered and is being used in bad faith. Accordingly, the Panel considers that the Complainant has met its burden of establishing that the Respondent registered and is using the disputed domain name in bad faith under 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 <omgevinginlog-uwbelfius.digital> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: February 16, 2023