

ADMINISTRATIVE PANEL DECISION

ageas SA/NV v. Ageas GroupLtd
Case No. D2023-3625

1. The Parties

The Complainant is ageas SA/NV, Belgium, represented by Gevers Legal NV, Belgium.

The Respondent is Ageas GroupLtd, United Kingdom (“UK”).

2. The Domain Names and Registrar

The disputed domain name <ageas.ltd> is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

An amended Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2023. The Center thereupon requested the Registrar to provide verification in connection with the disputed domain name. On August 30, 2023, the Registrar sent the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 30, 2023, 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 September 4, 2023.

The Center verified that the Complaint satisfies the formal requirements of the Uniform Domain Name Dispute Resolution Policy (Policy), 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 notified the Respondent of the Complaint, and these proceedings were commenced on September 11, 2023. The due date for the filing of a Response was October 1, 2023 (Rules, paragraph 5). Accordingly, the Center notified the Respondent’s default on October 2, 2023. No Response has been received by the Center to date.

On October 4, 2023, the Center appointed Daniel R. Bereskin, C.M., K.C. as the sole panelist in this matter. The Panel finds that it was properly constituted. The Panel has submitted to the Center 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 multinational insurance company operating in 14 countries and is Belgium's largest insurer. As indicated in Annex 6 of the Complaint, the Complainant was incorporated on November 16, 1993. It is the owner of the following registered trade marks, all in relation to the following services: insurance, except health insurance; financial matters; monetary affairs; real estate affairs. The figurative mark is shown below.

- Benelux registration N° 0873934 for the trade mark AGEAS registered on March 31, 2011.
- Benelux registration N° 0878947 for the trade mark AGEAS (figurative) registered on April 1, 2011.
- European Union ("EU") registration N° 009143686 for the trade mark AGEAS registered on April 1, 2011.
- EU registration N° 009368853 for the trade mark AGEAS (figurative) registered on August 31, 2012.
- UK registration N° UK00909143686 for the trade mark AGEAS registered on April 1, 2011.
- UK registration N° UK00909368853 for the trade mark AGEAS (figurative) registered on August 31, 2012.

The Complainant also carries on business under the trade name "ageas" and is commonly known by that name. The Complainant's corporate website may be found at "www.ageas.com".

The disputed domain name <ageas.ltd> was registered on June 4, 2023. The disputed domain name website initially advertised services relating to investment advice, but currently is inactive.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's AGEAS trade mark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that to divest a respondent of the disputed domain name, a complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a name, trade mark 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 subsequently used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), paragraph 1.7, the first element of proof primarily is a standing requirement. The test for confusing similarity involves a reasoned but relatively straightforward comparison between a complainant's trade mark and the disputed domain name. This test typically involves a side-by-side

comparison of the domain name and the textual components of the relevant trade mark to assess whether the mark is recognizable within the disputed domain name.

In comparing that trade mark to the disputed domain name, it is permissible to disregard the Top-Level Domain “.ltd” ([WIPO Overview 3.0](#)), paragraph 1.11.

The Panel finds that the disputed domain name is identical to the Complainant’s trade mark AGEAS.

Accordingly, 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 a respondent may demonstrate rights or legitimate interests in a domain name.

In the present case, as the Respondent has failed to respond to the Complaint, the only evidence available to the Panel is that referred to in Annex 8 of the Amended Complaint, and the fact that the disputed domain name became inactive, possibly in response to the filing of the Complaint.

There is evidence that the Respondent has misrepresented a connection with the Complainant in that its website initially contained a link (Annex 8, page 16) to an extract from the UK Company Register that refers to Ageas Insurance Limited, the UK branch of the Complainant (Annex 12). The Respondent appears to have sought falsely to indicate a connection with the Complainant. The Panel finds that this conduct was calculated by the Respondent to direct Internet users to its website with the intention of deceiving them of a connection with the Complainant. As such, the previous use of the disputed domain name cannot confer rights or legitimate interests on the Respondent, as stated in the [WIPO Overview 3.0](#), section 2.13.1. The Complainant has indicated that it has not licensed or authorized the Respondent to use its AGEAS trade mark as part of the disputed domain name or otherwise.

The Panel therefore finds that the Respondent has no rights or legitimate interests in relation to the disputed domain name, and that the second element of the Policy therefore has been established.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been registered and used in bad faith by the Respondent.

The Complainant’s trademark AGEAS inherently is distinctive, and the Complainant has satisfied the Panel that it has been used extensively in many countries throughout the world.

Paragraph 4(b) of the Policy provides that:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

The instances of bad faith set out in paragraph 4(b) of the Policy are examples only, intended to illustrate types of conduct that are caught by the Policy.

It is also evident that the Respondent deliberately intended to deceive Internet users, not only by adopting the Complainant's trade mark AGEAS, but also by referring on its website to the Complainant's UK branch company with the implication that the Respondent and such company are the same or related (Annex 9). To compound the deceit, the UK Company Register shows no listing for a company by the name of Ageas GroupLtd, nor any company located in London, United Kingdom. Such conduct constitutes evidence of bad faith.

It is also well established that there can be use in bad faith under the Policy even in the absence of actual use (*Telstra Corporation Limited v Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). Accordingly, the fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith.

Accordingly, the Panel finds that the Respondent has registered and has used the disputed domain name in bad faith contrary to the Policy.

The Panel therefore finds that the Complainant has established all three requirements required by 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, <ageas.ltd>, be transferred to the Complainant.

/Daniel R. Bereskin, C.M., K.C./

Daniel R. Bereskin, C.M., K.C.

Sole Panelist

Date: October 10, 2023