

## **ADMINISTRATIVE PANEL DECISION**

ING Groep N.V. v. Privacy service provided by Withheld for Privacy ehf /  
SCI Cemelane Desaintquentin  
Case No. D2022-0244

### **1. The Parties**

The Complainant is ING Groep N.V., Netherlands, represented by Inlex IP Expertise, France.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / SCI Cemelane Desaintquentin, France.

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

The disputed domain name <ing-europe.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 25, 2022. On January 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 25, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 2022, 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 February 10, 2022.

The Center verified that the Complaint together with the amended 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 February 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 9, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 22, 2022. 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 in this administrative proceeding is a Dutch multinational banking and financial services corporation headquartered in Amsterdam, incorporated in 1991, with more than 57,000 employees serving around 38.4 million customers, businesses and financial institutions. With a net profit of EUR 2.5 billion, it is one of the biggest banks in the world, and consistently ranks among the top 30 largest banks globally. It is among the top ten in the list of largest European companies by revenue.

The Complainant has provided evidence of rights in the ING trademarks, which enjoy protection through numerous registrations.

The Complainant has registered, *inter alia*, the following trademarks:

- ING (device), European Union Trademark No. 005357835, registered on September 13, 2007;
- ING (device), International Trade Mark No. 583286, registered on February 13, 1992;
- ING (device), International Trade Mark No. 583287, registered on February 13, 1992;
- ING (word), International Trade Mark No. 729149, registered on December 23, 1999.

The disputed domain name was registered on November 17, 2021. Currently the corresponding website is not active. However, from the document provided by the Complainant it appears that the disputed domain name previously resolved to a parking page of the Namecheap registrar containing pay-per-click links, some of which related to financial services that compete with those of the Complainant.

The above trademark registrations predate the registration of the disputed domain name.

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

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

The Complainant, in summary, claims that the disputed domain name is confusingly similar to a registered trademark in which the Complainant has rights; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant asserts, stresses, and documents that the disputed domain name has been used to create the email address "[...]"@ing-europe.com" from which emails circulate to the Complainant's customers, impersonating the Complainant in order to obtain confidential information.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

In order for the Complainant to obtain a transfer of the disputed domain name, paragraphs 4(a)(i) – (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (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 and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Complainant has established rights in the ING trademarks.

The disputed domain name <ing-europe.com> consists of the ING mark with the mere addition of the geographical term “europe”.

The Panel agrees with the Complainant’s assertion that the addition of the term “europe”, does not prevent a finding of confusing similarity with the ING trademarks.

In fact, it has already been held by previous UDRP panels that the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity between a domain name and a complainant’s trademark. Indeed, the Complainant’s renowned trademark is clearly recognizable in the disputed domain name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Therefore, the Panel finds the disputed domain name to be confusingly similar to the Complainant’s trademarks.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

#### **B. Rights or Legitimate Interests**

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “ing-europe” or by any similar name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademark. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. The Respondent is apparently using the disputed domain name to send emails to third parties pretending to be the Complainant. The Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name. Regardless, the use of a domain name for illegal activity can never confer rights or legitimate interests upon a respondent. See section 2.13 of the [WIPO Overview 3.0](#). The Respondent has not formally replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

#### **C. Registered and Used in Bad Faith**

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant’s contentions that the disputed domain name was registered and has been used in bad faith.

The Complainant has documented that at the time of registration of the disputed domain name, the Respondent was presumably aware of the Complainant and of the ING trademarks.

Indeed, it appears that the Respondent has been sending emails purporting to be the Complainant.

This, in the Panel's view, is sufficient to show that the Respondent knew of the Complainant and of the ING marks and intentionally intended to create an association with the Complainant and its business at the time of registration of the disputed domain name.

In addition, they can be considered further evidence of the Respondent's intention to mislead or deceive the Complainant's current and prospective clients by sending phishing emails using the disputed domain name.

Namely, it appears that the Respondent is trying to pass himself off as the Complainant, presumably in order to illicitly obtain information from people who are under the impression they are providing such information to the Complainant and/or to a company related to the Complainant.

The Panel finds that the Respondent's use of the disputed domain name constitutes a disruption of the Complainant's business and qualifies as bad faith registration and use under the Policy. The fact that the disputed domain name does not currently resolve to an active website does not preclude a finding of bad faith under the circumstances of this proceeding.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

## **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, <ing-europe.com> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: May 3, 2022