

## **ADMINISTRATIVE PANEL DECISION**

Belfius Bank S.A. / Belfius Bank N.V. v. Domains by Proxy, LLC / France Chaumont; Private by Design, LLC / Juul Tries TYI; Privacy Service Provided by Withheld for Privacy ehf / Client Json, Client Apk, Jan Willem, Nkem Express, Morgen Anders, Baby Centro, Aa Izan, Pi Po, Kibun Moksi, Tai Lopez, Vvs Awaken, Jn Willem, Fredrik Izan  
Case No. D2022-0642

### **1. The Parties**

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

The Respondents are Domains by Proxy, LLC, United States of America ("United States") / France Chaumont, France; Private by Design, LLC, United States / Juul Tries TYI, Netherlands; Privacy Service Provided by Withheld for Privacy ehf, Iceland; Client Json, Netherlands; Client Apk, Macau; Jan willem, Netherlands; Nkem Express, Panama; Morgen Anders, Belgium; Baby Centro, Netherlands; Aa izan, Sweden; Pi Po, Netherlands; Kibun Moksi, Belgium; Tai Lopez, United States; Vvs Awaken, Sweden; Jn Willem, Netherlands; Fredrik Izan, Sweden.

### **2. The Domain Names and Registrars**

The disputed domain name <belfiusbanquemoible.com> is registered with Wild West Domains, LLC.

The disputed domain name <pro-belfiusbe.club> is registered with Porkbun LLC.

The disputed domain names <belfius-afspraak.info>; <belfius-app.me>; <belfiusbroker.com>; <belfiusbrokers.com>; <belfius-contract.info>; <belfius-deblokkering.info>; <belfius-direct.net>; <belfiusdirectnet.app>; <belfius.live>; <belfius-mobilebank.co>; <belfius-mobilebank.com>; <belfiusmobile-be.help>; <belfiusmobile-contract.com>; <belfiusmobile.me>; <belfius.sbs>; <deblokkering-belfius.digital>; <mijnbelfius-account.co>; <mijnbelfius-account.com>; <mijnbelfius-account.me>; <mijnbelfius-app.digital>; <mijnbelfius-be.co>; <mijnbelfius-be.com>; <mijnbelfius-be.digital>; <mijnbelfius-be-direct.digital>; <mijnbelfius-be.one>; <mijnbelfius-be.online>; and <mijnbelfius-direct.me> are registered with NameCheap, Inc.

These disputed domain names will be referred to as "Domain Names" throughout the rest of the Decision.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2022. On February 24, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. Also on February 24, 2022, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Domain Names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to Complainant on March 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 18, 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 Respondents of the Complaint, and the proceedings commenced on March 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 18, 2022. Due to issues with the Notification of Complaint, the Center extended the due date up to May 10, 2022. Respondents did not submit any response. Accordingly, the Center notified the Commencement of Panel Appointment Process on May 11, 2022.

The Center appointed Marina Perraki as the sole panelist in this matter on May 12, 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. Procedural Issue: Consolidation of multiple Respondents

The Panel has considered the possible consolidation of the Complaint for the Domain Names. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2, “Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario”.

The Panel notes the following features of the Domain Names and arguments submitted by Complainant in favor of the consolidation of the Domain Names:

- all 31 Domain Names were created around the same time (between July 27 and November 30, 2021);
- all Domain Names incorporate Complainant’s trademark BELFIUS and all but two Domain Names, which consist entirely and solely of Complainant’s mark, contain also additional terms which are either non distinctive, such as “be” which is short for Belgium, “mijn” which means “my”/“mine” in Dutch and “direct”, or denoting related to financial institutions’ services, such as “brokers”, “account”, “deblokkering” which means “deblocking” in Dutch, “mobilebank”, “banque” which means “bank” in French, “crypto”, “afspraak” which means “appointment” in Dutch, “app”, “contract”, “mobile”. In particular, the Domain Names are made of the complete incorporation of Complainant’s BELFIUS trademark on its own or in combination with the addition of one or more of the descriptive terms “contract”, “afspraak”, “cotracten” (misspelling of the word “contracten”, the plural of “contract” in Dutch), “broker(s)”, “mobile”, “mijn”, “be”, “banque”, “deblokkering”, “deblokering (misspelling of the Dutch word “deblokkering”), “direct”, “account”, “app”, “net”, “pro”, “bank” and/or “crypto” - in some cases separated by a hyphen - and the Top-Level Domains “info”, “live”, “com”, “digital”, “co”, “online”, “me”, “one”, “app”, “club”, “help”, “net” and “sbs”;

- most of the Domain Names follow the same structure;

a) the use of Complainant's mark BELFIUS, plus "mijn" followed by "belfius" followed by a hyphen and a descriptive term: <mijnbelfius-be.com>, <mijnbelfius-be.digital>, <mijnbelfius-be.co>, <mijnbelfius-be.online>, <mijnbelfius-direct.me>, <mijnbelfius-be.one>, <mijnbelfius-be-direct.digital>, <mijnbelfius-account.co>, <mijnbelfius-account.me>, <mijnbelfius-account.com> and <mijnbelfius\_app.digital>;

b) the use of of Complainant's mark BELFIUS and other terms relating to direct banking, mobile banking or apps and/or financial services and/or the gTLD's ".app" and ".digital": <belfiusmobile-contract.com>, <mijnbelfius-be.digital>, <belfiusbanquemoibile.com>, <mijnbelfius-direct.me>, <deblokering-belfius.digital>, <mijnbelfius-be-direct.digital>, <mijnbelfius\_app.digital>, <belfiusdirectnet.app>, <belfius-mobilebank.com>, <belfiusmobile\_be.help>, <belfius-mobilebank.co>, <belfiusmobile.me>, <belfius-app.me>, <belfius-direct.net>;

- all Domain Names initially used a privacy service, with 29 Domain Names using the same one;

- the Domain Names <belfius-contract.info>, <belfiusbanquemoibile.com>, and <pro\_belfiusbe.club> differ from the other Domain Names as regards the date of registration, the registrar or the privacy service, as the case may be, but they share the same structure;

- <belfius-contract.info>: shared the same privacy service, registrant address and registrant country as 28 other Domain Names;

- <belfiusbanquemoibile.com> shares the same registration time, namely in August 2021, as 18 other Domain Names and the exact same registration date as three other Domain Names (<mijnbelfius-be.co>, <mijnbelfius-be.online>, and <belfius-deblokking.info>);

- <pro-belfiusbe.club>: shares the same registration time, namely in October 2021 as most of the other Domain Names.

Furthermore, as Complainant argued, Respondents' registered data strongly suggest that they do not correspond to reality:

- the registrant name for seven Domain Names, as well as the user names of their email addresses appear to be composed by a random combination of letters;

- the email "@anonmails.de" listed for two Domain Names belongs to a service that offers free temporary email addresses;

- the registrant name for nine Domain Names is "jan willem / jn willem" which is a combination of two of the most common surnames in Belgium and the Netherlands. The addresses listed for these domain names "willemopk@[...]", "willem2010k@[...]", "willem2018k@[...]", "willem2055k@[...]", "jansen.11@[...]", "willem015@[...]", "jeroenop1@[...]", "jeroenop2@[...]" do not correspond to the name of the entered registrant;

- the entered registrant name for several Domain Names ("Nkem Express", "baby centro" "Juul tries", "vvs awaken", "Client ap", "Client Json", "france chaumont" which is a region in France, and "Morgen Anders" which in Dutch means "Tomorrow different") obviously do not correspond to reality;

- registrant contact details also are obviously false for several Domain Names, such as "jkhksjhdjkh", "Panama Panama, 500072 Panama", "BringMe", "124124214" and "Janstraat 8" for purported registrant "jan willem";

- the registrant name “Kibun Moksi” for five Domain Names does not correspond to the user name of the provided email address, “John Wick” referring to a popular movie character.

- the registrant name for one Domain Name refers to an American movie producer, while “resultsbox0147@[...]” is a generic email address.

In view of all the above, the Panel finds that the consolidation of the Domain Names is fair to the Parties, and Respondents have been given an opportunity to object to consolidation through the submission of pleadings to the Complaint (if indeed there is more than one Respondent for these Domain Names), but have chosen not to rebut the consolidation (see [WIPO Overview 3.0](#), sections 4.11.1 and 4.11.2; *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#)). Based on the evidence included in the case file, the Panel finds that it is more likely than not that the Domain Names are in common control of one entity; hence, the Panel grants the consolidation for the Domain Names (and will refer to these Respondents as “Respondent”).

## 5. Factual Background

Complainant is a renowned Belgian bank and financial services provider, offering its services also through its website at “www.belfius.be”. It is wholly owned by the government and has more than 5,000 employees and over 650 agencies. Complainant sponsors several national sports teams and sports events.

Complainant’s group is the owner of numerous trademarks for BELFIUS, which is a term invented by Complainant, composed of the prefix of “Belgium” (“Bel”), “finance” (“fi”), and the English word “us”.

Complainant owns several trademark registration for BELFIUS, including, *inter alia*, the European Union trademark registration No. 010581205, BELFIUS (word), filed on January 23, 2012, and registered on May 24, 2012, for goods and services in international classes 9, 16, 35, 36, 41, and 45.

Complainant registered the domain name “belfius.be” which resolves to its official website through which it offers banking and insurance services and also registered “belfius.com”, which redirects to a website intended for institutional partners and journalists, as well as many other domain names that include the word BELFIUS and redirect to its official website.

Complainant was informed of an attempted phishing via the domain name <belfiusdirectnet.app> through a client. As part of its domain name watch, Complainant discovered that Respondent has also registered the Domain Names.

The Domain Names were registered by Respondent between July 27, 2021, and November 30, 2021, and in particular:

- belfius-contract.info registered since July 27, 2021;
- belfius-afspraak.info registered since August 5, 2021;
- belfius.live registered since August 8, 2021;
- belfiusbrokers.com registered since August 9, 2021;
- belfiusmobile-contract.com registered since August 21, 2021;
- mijnbelfius-be.com registered since August 24, 2021;
- mijnbelfius-be.digital registered since August 23, 2021;
- belfiusbanquemobile.com registered since August 25, 2021;
- mijnbelfius-be.co registered since August 25, 2021;
- mijnbelfius-be.online registered since August 25, 2021;
- belfius-deblokkering.info registered since August 25, 2021;
- belfiusbroker.com registered since August 26, 2021;
- mijnbelfius-direct.me registered since August 27, 2021;
- mijnbelfius-be.one registered since August 27, 2021;

- deblokering-belfius.digital registered since August 27, 2021;
- mijnbelfius-be-direct.digital registered since August 29, 2021;
- mijnbelfius-account.co registered since August 30, 2021;
- mijnbelfius-account.me registered since August 30, 2021;
- mijnbelfius-account.com registered since August 31, 2021;
- mijnbelfius-app.digital registered since September 1, 2021;
- belfiusdirectnet.app registered since September 22, 2021;
- pro-belfiusbe.club registered since October 22, 2021;
- belfius-mobilebank.com registered since November 1, 2021;
- belfiusmobile-be.help registered since November 3, 2021;
- belfius-mobilebank.co registered since November 1, 2021;
- belfius.sbs registered since November 5, 2021;
- belfiusmobile.me registered since November 6, 2021;
- belfius-app.me registered since November 10, 2021;
- belfius-direct.net registered since November 10, 2021.

At the time of filing of the Complaint, none of them resolved to an active webpage. Instead a) some of them lead to a default message indicating the Domain Name's servicer IP address could not be found; b) some were subject to a safety warning from the Belgium Center for Cyber Security; c) some were subject to a safety warning from Google; d) and some lead to a default page of server and management platform provider.

Currently the Domain Names lead to inactive websites.

Complainant sent several cease and desist communications to which Respondent did not reply.

## **6. Parties' Contentions**

### **A. Complainant**

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Names.

### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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

Complainant has demonstrated rights through registration and use in the BELFIUS mark.

The Panel finds that the Domain Names, that incorporate Complainant's BELFIUS mark along with different terms in various languages, some with typographical errors, are confusingly similar to the BELFIUS trademark of Complainant. As regards the Domain Names <belfius.live> and <belfius.sbs>, these are identical to Complainant's trademark.

The Top-Level Domains ("TLDs") are disregarded, as TLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

Complainant has established Policy, paragraph 4(a)(i).

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

(i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Names.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Names. As per Complaint, Respondent was not authorized to register the Domain Names and Respondent has not been commonly known by the Domain Names.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Names or a trademark corresponding to the Domain Names in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Names resolve to inactive websites, while previously one was used for sending a phishing email, then they resolved to inactive websites or, as the case may be, to websites blocked for security purposes

Lastly, the nature of the Domain Names affirms the intention to mislead Internet users as to the connection of the Domain Names with Complainant.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or

(ii) Respondent has 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 Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other on line location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. Because the BELFIUS mark, which the Panel finds to be a known and coined mark of no meaning except for its connection to Complainant, was registered prior to the Domain Name registrations, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Respondent should have known about Complainant's rights, as such knowledge is readily obtainable through a simple browser search (see *Caesars World, Inc. v. Forum LLC*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis Inc.*, WIPO Case No. [D2009-0462](#)), taking also into account the nature of Complainant's business, provided also online.

As regards bad faith use, the Panel also considers the following factors:

- (i) the use of one Domain Name for phishing purposes;
- (ii) the fact the Domain Names resolve to inactive websites or sites with security warnings;
- (iii) the failure of Respondent to submit a response;
- (iv) the fact that the Domain Names were initially registered with a privacy shield service to hide the registrant's identity. Respondent's concealment of the Domain Name's holder's identity through use of a privacy shield constitutes further indication of bad faith in the circumstances of this case (*Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#));
- (v) the fact that subsequently false registrant or contact details were provided for several Domain Names; and
- (vi) the fact that Respondent did not reply to the cease and desist notices sent by Complainant.

The Panel notes also that the non-use of a domain name would not prevent a finding of bad faith (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); [WIPO Overview 3.0](#), section 3.3).

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the Domain Names in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

## 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 names, <belfiusbanquemobile.com>; <pro-belfiusbe.club>; <belfius-afspraak.info>; <belfius-app.me>; <belfiusbroker.com>; <belfiusbrokers.com>; <belfius-contract.info>; <belfius-deblokkering.info>; <belfius-direct.net>; <belfiusdirectnet.app>; <belfius.live>; <belfius-mobilebank.co>; <belfius-mobilebank.com>; <belfiusmobile-be.help>; <belfiusmobile-contract.com>; <belfiusmobile.me>; <belfius.sbs>; <deblokkering-belfius.digital>; <mijnbelfius-account.co>; <mijnbelfius-account.com>; <mijnbelfius-account.me>; <mijnbelfius-app.digital>; <mijnbelfius-be.co>; <mijnbelfius-be.com>; <mijnbelfius-be.digital>; <mijnbelfius-be-direct.digital>; <mijnbelfius-be.one>; <mijnbelfius-be.online>; and <mijnbelfius-direct.me> be transferred to Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: May 26, 2022