

## ADMINISTRATIVE PANEL DECISION

Chicago Mercantile Exchange Inc., CME Group Inc. v. 孙玉娟 (Sun Yu Juan)  
Case No. D2024-1479

### 1. The Parties

The Complainants are Chicago Mercantile Exchange Inc. and CME Group Inc., United States of America (“United States”), represented by Norvell IP llc, United States.

The Respondent is 孙玉娟 (Sun Yu Juan), China.

### 2. The Domain Name and Registrar

The disputed domain name <cmegroupyta.top> is registered with Shanghai Meicheng Technology Information Development Co., Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2024. On April 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 11, 2024, 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.

On April 11, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On the same day, the Complainants filed an amended Complaint in English, requesting English to be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on April 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 9, 2024.

The Center appointed Douglas Clark as the sole panelist in this matter on May 17, 2024. 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 Complainants are Chicago Mercantile Exchange Inc. (“CME”) and CME Group Inc. (“CMEG”). CME is part of CMEG. CME is a financial institution, providing financial and risk management services. CMEG is a financial exchange, offering futures and options in various asset classes. The Complainants have offices globally and have relationships with international financial centers.

The Complainants also own over 200 domains names, with <cmegroup.com> (the “CME Website”) as their primary homepage since 2007. The Complainants use the CME Website to advertise and promote its services and to communicate with clients worldwide.

CME also owns trademark registrations which have been used by the Complainants extensively (the “CME Trademarks”). The CME Trademark was first used in 1919 in the United States and later in multiple jurisdictions, including China. The Complainants have many trademark registrations, and the relevant ones are listed below:

| Trademark   | Registration Number | Registration Date | Jurisdiction  |
|---|---------------------|-------------------|---------------|
|  | 4369249             | July 16, 2013     | United States |
| CME   | 1085681             | February 14, 1978 | United States |
| CME   | 4162022             | December 8, 2007  | China         |
| CME GROUP   | 3367684             | January 15, 2008  | United States |
| CME GROUP   | 16668026            | May 21, 2017      | China         |

The Respondent is an individual based in China. The Respondent registered the disputed domain name <cmegroupyta.top> on November 9, 2023. It previously directed to a website displaying the CME Trademarks owned by the Complainants. It appeared to be seeking to trick customers to input personal information. At the date of this decision, the disputed domain name does not resolve to an active website.

#### 5. Parties’ Contentions

##### A. Complainants

The Complainants contend that:

- a) The disputed domain name is confusingly similar to the Complainants’ trademarks. The disputed domain name wholly incorporates the CME GROUP trademark suffixed by a term “yta”. The long use of the CME Trademarks and the CME Website and the substantial advertising and promotion results in confusing similarity, particularly considering the level of familiarity of the CME Trademarks worldwide.
- b) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainants have not licensed, authorised or sanctioned the Respondent’s use of the CME Trademarks for any purpose. The Complainants have also been using the CME name for over 100 years and the CME Trademarks for over 40 years.

The Respondent has not made a bona fide use of the disputed domain name. The Respondent does not offer a bona fide service in connection with the disputed domain name. The only purpose of the Respondent's use was to create a false impression that the Complainants' customers are on the Complainants' or their associated websites, for example the CME Website, so as to trick them to mistake that they are connected in some way. The Respondent's ultimate goal is to fraudulently lure customers to provide personal information.

The Respondent is not commonly known by the disputed domain name. There is also no indication that the Respondent is or has been known as by a name consisting of or incorporating the CME Trademarks.

There is no evidence that the Respondent is making legitimate noncommercial or fair use of the disputed domain name without intending to gain a commercial advantage.

c) The disputed domain name was registered and is being used in bad faith. The CME Trademarks are distinctive with wide and extensive use. The Respondent registered the disputed domain name years after the Complainants first registered the CME Trademarks. Registration of a well-known trademark is an indication of bad faith.

The Complainants suspect that the Respondent is directly related to or associated with other known scammers identified in *Chicago Mercantile Exchange Inc., and CME Group Inc. v. Theresa Chavedw, and Qikun Guo*, WIPO Case No. [D2023-0122](#), where similar domain names, namely <cmegroupkofe.net> and <cmegrouper.com>, were used.

The disputed domain name impersonates the Complainants' marks, constituting bad faith. The Respondent is illegitimately representing themselves as being associated with the Complainants thereby giving a false impression to trick customers. The Respondent's use of the website under the disputed domain name to purportedly confuse the Complainants' customers is for commercial gain, to trick confused customers to fall into the Respondent's fraudulent scheme and providing sensitive personal and financial information.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1 Preliminary Issues**

#### **A. Consolidation of Multiple Complainants**

The Panel notes that the present Complaint has been filed by two Complainants who have submitted a request for consolidation. Section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") provides inter alia as follows:

"In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

The Complainants are members of the same corporate group and are making essential the same claim as against the Respondent. CMEG is the parent company of CME and the Complainants use the CME Website which, the Complainants allege, the Respondent trick customers into thinking the Complainants and the

Respondent were associated. CME owns the CME Trademarks with which, the Complainants allege, the disputed domain name is confusingly similar.

The Panel finds that Complainants have a specific common grievance against the Respondent and that the Respondent has engaged in common conduct that has affected the Complainants in a similar fashion. The Panel is satisfied that it would be equitable and procedurally efficient to permit the consolidation. The Complainants are hereinafter referred to as “the Complainant”.

## **B. Language of the Proceeding**

Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

In this case, the Center confirmed the language of the Registration Agreement for the disputed domain name is Chinese. The Complainant has filed its Complaint in English and has requested that English be the language of the proceeding under the following grounds:

- (a) the disputed domain name resolves to a website, in which contents display are entirely or may be viewed in English. The Respondent will therefore not be prejudiced if these proceedings were conducted in English.
- (b) the Complainant is not in possession of the Registration Agreement and thus is unable to deduce whether Chinese is the designated language.

In accordance with paragraph 11(a) of the Rules, the Panel hereby determines that the language of the proceeding shall be in English after considering the following circumstances:

- the Center has notified the Respondent of the proceeding in both English and Chinese;
- the Respondent has not commented on the language of the proceeding;
- the website under the disputed domain name is wholly in English;
- the disputed domain name consists of English characters;
- an order for the translation of the Complaint will result in significant expenses for the Complainant and a delay in the proceeding.

Further, this Panel decided in *Zappos.com, Inc. v. Zufu aka Huahaotrade*, WIPO Case No. [D2008-1191](#), that a respondent’s failure to respond to a preliminary determination by the Center as to the language of the proceeding “should, in general, be a strong factor to allow the Panel to decide to proceed in favour of the language of the Complaint”.

## **6.2 Substantive Issues**

The Complainant must satisfy all three elements of paragraph 4(a) of the Policy in order to succeed in its action:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights to;
- (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 disputed domain name is composed of the Complainant's registered trademark CME GROUP in its entirety. The only differences are the removal of a space and the addition of the letters "yta" as a suffix. The disputed domain name is confusingly similar to the CME GROUP trademark ([WIPO Overview 3.0](#), section 1.7). According to previous UDRP decisions, the "addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" ([WIPO Overview 3.0](#), section 1.8).

The Complainant has therefore satisfied the first element under paragraph 4(a) of the Policy.

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

The Respondent has not asserted any rights or legitimate interests in relation to the disputed domain name. None of the circumstances in paragraph 4(c) of the Policy, which sets out how a respondent can prove its rights or legitimate interests, are present in this case.

Further, the Complainant asserts that the disputed domain name, by using the CME Trademarks without authorization, gives a false impression that the Complainant and the Respondent were somehow affiliated. However, there is nothing that indicates that the Respondent is or has ever been affiliated with the Complainant. The Respondent is not authorized nor licensed to use the CME Trademarks or to apply for registration of the disputed domain name. There is no evidence that the Respondent is commonly known by the name "CME" or "CME Group".

The disputed domain name resolved to a website using the CME Trademarks and purported to provide similar financial services with a copyright notice referring to "CME Group". Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Section 2.1 of the [WIPO Overview 3.0](#) provides:

"While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

Therefore, based on the evidence presented in Section 5A above, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not provided any evidence to rebut this claim, and henceforth, the Panel concludes that the Respondent has no rights or legitimate interests in relation to the disputed domain name.

The Complainant has therefore satisfied the second element under paragraph 4(a) of the Policy.

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

Based on the given evidence, the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered long after the Complainant's use of the CME name and registration of the CME Trademarks, and the use of the Complainant's trademark in the disputed domain name cannot be a coincidence. The CME name and the CME Trademarks are used by the Complainant to conduct its business and the Complainant has been using them for over 100 and 40 years respectively.

The Panel is satisfied that the Respondent was aware of the Complainant and the CME Trademarks when he or she registered the disputed domain name.

The Respondent has registered the disputed domain name to attract Internet users to the website for commercial gain in accordance with paragraph 4(b)(iv) of the Policy. The disputed domain name displays the CME Trademarks without accurately and prominently disclosing the Respondent's lack of relationship with the Complainant and directs Internet users to provide sensitive personal and financial information.

Furthermore, panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off constitutes bad faith ([WIPO Overview 3.0](#), section 3.4).

For the above reasons, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Complainant has therefore satisfied the third element under paragraph 4(a) 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 <cmegroupyta.top> be transferred to the Complainant.

*/Douglas Clark/*

**Douglas Clark**

Sole Panelist

Date: June 4, 2024