

ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat, Luxembourg v. CapHold, CapHold
Case No. D2025-5291

1. The Parties

The Complainant is Banque et Caisse d'Epargne de l'Etat, Luxembourg, Luxembourg, represented by Office Freylinger S.A., Luxembourg.

The Respondent is CapHold, CapHold, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <spuerkeess-lu.info> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 18, 2025. On December 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 2025, 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 (UNKNOWN) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 2025, 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 December 23, 2025.

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 December 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 19, 2026.

The Center appointed Oleksiy Stolyarenko as the sole panelist in this matter on January 23, 2026. 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 financial institution located in Luxembourg (also known by its Luxembourgish name “Spuerkeess”). With a history going back to 1856, the Complainant is one of the largest banking institutions in Luxembourg and provides retail, corporate, and private banking, and financial services.

The Complainant has rights over the SPUERKEESS mark, registered in multiple jurisdictions, including the following:

- European Union Registration No. 009110552 for SPUERKEESS, registered on November 2, 2010 for goods and services in Classes 9 and 36; and
- United Kingdom Registration No. UK00003345153 for SPUERKEESS, registered on December 28, 2018 for services in Class 36.

The vast majority of the Complainant’s trademarks for SPUERKEESS predate the registration of the disputed domain name. The SPUERKEESS mark is used in connection with banking and financial services, and the Complainant has extensively used and promoted its trademarks in commerce.

In addition, the Complainant owns multiple domain names containing the SPUERKEESS mark across various Top-Level Domains, including <spuerkeess.lu>, <spuerkeess-lu.com>, <spuerkeess.com>, and <spuerkeesslu.com>. The Complainant operates its official website at “www.spuerkeess.lu” and maintains a strong online presence through this and other channels.

The disputed domain name was registered on November 26, 2025. According to the Complainant, the disputed domain resolves to an inactive page displaying the message “this site can’t be reached.”

According to the Registrar’s information, the Respondent is a company identified as “CapHold,” with an address in the United Kingdom.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant asserts rights in the SPUERKEESS trademark arising from multiple registrations in various jurisdictions (including Benelux, the European Union, Switzerland, and the United Kingdom) and longstanding commercial use in connection with banking and financial services, for which SPUERKEESS is distinctive and widely recognized as the Complainant’s house brand. The Complainant emphasizes its longstanding corporate history (going back to 1856) and reputation as Luxembourg’s largest banking institution, reinforcing the mark’s notoriety and source-identifying capacity.

The disputed domain name incorporates the SPUERKEESS mark in its entirety, and the additional element “lu” is merely a geographic indicator commonly understood to refer to Luxembourg and therefore does not avoid confusion; rather, it heightens the association with the Complainant. The Complainant further argues that the generic Top-Level Domain (“gTLD”) “.info” is irrelevant to the first-element comparison and does not dispel confusing similarity. The Complainant also notes it owns several domain names containing

SPUERKEESS (e.g., <spuerkeess.lu>, <spuerkeess-lu.com>, <spuerkeess.com>, <spuerkeesslu.com>), and that the disputed domain name closely resembles this portfolio, increasing the likelihood that users will assume an affiliation with the Complainant.

The Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain name because the Complainant has not licensed or otherwise authorized any use of its SPURKEESS mark, the Respondent is not commonly known by the disputed domain name, and there is no evidence of a bona fide offering of goods or services. The Complainant adds that trademark searches revealed no rights held by the Respondent in the term “SPURKEESS,” reinforcing the absence of any legitimate interest.

Regarding bad faith, the Complainant argues the Respondent knew or should have known of the Complainant and its distinctive SPURKEESS mark at the time of registration given the Complainant’s long history, reputation, and the uniqueness of the mark, as well as the deliberate selection of a domain name that mirrors the Complainant’s identifiers and Luxembourg affiliation. The Complainant also points to the risk of deceptive conduct, particularly in the financial-services context, given the disputed domain name’s close imitation of the Complainant’s identifiers, which could facilitate phishing or other fraudulent schemes. Although the disputed domain name currently resolves to an inactive page, the Complainant maintains that passive holding in the circumstances does not preclude a finding of bad-faith registration and use under the Policy.

Accordingly, the Complainant seeks a decision ordering that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “lu”) and a hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such term and a punctuation mark does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The gTLD “.info” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. Therefore, the Panel disregards the gTLD for the purposes of this comparison.

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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

According to the Complainant, the Respondent is not authorized or licensed to use the SPUERKEESS trademark in the disputed domain name.

Moreover, given that the disputed domain name incorporates the Complainant’s trademark in its entirety, together with the term “lu” that might refer to the country code of Luxembourg, a country where the Complainant operates its business, the Panel struggles to conceive any legitimate interests of the Respondent in the disputed domain name.

Under such circumstances, any use of the disputed domain name by the Respondent only increases the possibility of Internet users falsely attributing the disputed domain name to the activities of the Complainant, also noting the composition of the disputed domain name may mislead Internet users into believing that the disputed domain name is connected to the Complainant.

The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name, and the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b).

Taking into account the reputation and long period of use of the Complainant’s SPUERKEESS trademark in the Complainant’s corresponding domain name and website, and in the absence of evidence to the contrary, the Panel finds that the Respondent is not involved in a bona fide offering of goods or services (under paragraph 4(c)(i) of the Policy) and the Respondent’s activities do not fall under a legitimate noncommercial or fair use (under paragraph 4(c)(iii) of the Policy).

The Panel did not find any evidence that the Respondent is commonly known by the disputed domain name and concludes that the Respondent is not commonly known by the disputed domain name under paragraph 4(c)(ii) of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In this case, the record shows that the Respondent registered the disputed domain name on November 26, 2025, long after the Complainant had established trademark rights in SPUERKEESS through multiple registrations. The timing supports an inference that the Respondent was or should have been aware of the Complainant's rights when selecting the disputed domain name.

The disputed domain name wholly incorporates the Complainant's distinctive SPUERKEESS mark. The additional term "lu" might refer to the country code of Luxembourg, the Complainant's home country, and thus increases, rather than diminishes, the association with the Complainant. These features together indicate targeting of the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Given the Complainant's longstanding reputation and the inherent distinctiveness of SPUERKEESS, coupled with the deliberate inclusion of the additional term "lu" that might refer to the country code of Luxembourg in the disputed domain name and the banking context where there is a heightened risk of phishing or fraudulent activity, the Panel concludes that the Respondent's holding of the disputed domain name constitutes bad faith within the meaning of the Policy.

The Panel finds that the Complainant has established 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 <spuerkeess-lu.info> be transferred to the Complainant.

/Oleksiy Stolyarenko/

Oleksiy Stolyarenko

Sole Panelist

Date: February 9, 2026