

## **ADMINISTRATIVE PANEL DECISION**

**BKS Bank AG v. radovan miljanovic, AA Vermittlung GmbH**  
Case No. D2025-5402

### **1. The Parties**

The Complainant is BKS Bank AG, Austria, represented by Schönherr Rechtsanwälte GmbH, Austria.

The Respondent is radovan miljanovic, AA Vermittlung GmbH, Eswatini.

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

The disputed domain name <bks-bank.online> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 26, 2025. On December 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 26, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (“Withheld for Privacy Purposes. Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email to the Complainant on December 29, 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 January 2, 2026.

The Center verified that 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 January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 28, 2026.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 30, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a universal bank based in Austria that was founded in 1922. It serves both private and business customers. As per December 31, 2024, the Complainant employed 1,008 people and operated 63 bank branches throughout Austria, Slovenia, Croatia and Slovakia. By 2024, the Complainant had about 194,800 retail and corporate and business customers.

The Complainant owns trademark registrations for BKS and BKS BANK, such as International Registration no 1357202 (registered on February 22, 2017). The Complainant has registered several domain names such as <bks.at>, <bksbank-online.at> and <bksbank.com>.

The Domain Name appears to be registered on December 13, 2025. The Complainant documents that the Domain Name has been configured for email communication. The Domain Name resolves to an error website.

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

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

The Complainant provides evidence of trademark registrations and argues that the Domain Name reproduces the Complainant's distinctive "BKS Bank" name in its entirety. The Respondent was aware of the Complainant and deliberately selected the Domain Name to create a likelihood of confusion among Internet users, especially since the Complainant owns the almost identical domain <bksbank-online.at>.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not permitted the Respondent to use its trademarks. The contact details provided for the Respondent point to an inactive company outside of the banking business and there is no indication that legitimate use of the Domain Name has taken or could take place.

The Complainant argues that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. The Respondent intends to have a free ride on the fame and goodwill of the Complainant's trademarks and profit from consumer confusion. As the Domain Name is almost identical to the Complainant's domain name for its online banking website (<bksbank-online.at>), the Complainant believes the Domain Name is likely to be used for fraudulent/phishing purposes. This is supported by the fact that the Respondent has listed incorrect contact details.

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

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

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

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

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademark BKS BANK. The Domain Name is identical to the Complainant's trademark, save for the insertions of a hyphen between "bks" and "bank". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level-Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. 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. If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Finally, it is inconceivable that the Respondent may put the Domain Name into any good faith use as it is almost identical to the Complainant's trademark and domain name (save for a hyphen).

Furthermore, the Panel finds that the nature of the Domain Name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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.

The fact that the Domain Name is almost identical to the Complainant's prior registered trademark makes it probable that the Respondent was aware of the Complainant when the Respondent registered the Domain Name.

Based on the case file, it appears that the Respondent intended to create a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement. The initial set-up of email addresses supports an inference of bad faith intent. The current non-use of the Domain Name does not prevent a finding of bad faith under the doctrine of passive holding. The Complainant is known in the banking industry, the Respondent has not provided any evidence of actual or contemplated good-faith use. As mentioned above, it appears implausible that the Respondent may put the Domain Name into any good faith use, because of the Complainant's prior rights. Moreover, the Respondent has provided false contact details in what appears to be an attempt to conceal its identity.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <bks-bank.online> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: February 3, 2026