

## ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat v. xi xian xi qi yang yang wang luo ke ji  
you xian gong si (息县喜气洋洋网络科技有限公司)

Case No. D2026-0859

### 1. The Parties

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

The Respondent is xi xian xi qi yang yang wang luo ke ji you xian gong si (息县喜气洋洋网络科技有限公司), China.

### 2. The Domain Name and Registrar

The disputed domain name <bcee-capital.com> is registered with eName Technology Co., Ltd. (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2026. On February 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 2026, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 2, 2026, 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 in English on March 6, 2026.

On March 2, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On March 6, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's 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 English and Chinese of the Complaint, and the proceedings commenced on March 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 1, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on April 8, 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 an autonomous public establishment incorporated under the laws of Luxembourg on March 24, 1989. It operates as a prominent financial institution providing retail, corporate, and private banking services. The Complainant is widely known under the abbreviation “BCEE”, referring to Banque et Caisse d’Épargne de l’État, Luxembourg, and also operates under the trade name “Spuerkeess”. The Complainant submits that it has established a strong reputation in Luxembourg and internationally, supported by longstanding operations and recognition in the banking sector.

The Complainant is the owner of an international trademark portfolio consisting of trademark registrations for the mark BCEE, including, without limitation: (i) European Union word mark BCEE, registration number 009110537, registered on November 2, 2010; (ii) United Kingdom word mark BCEE, registration number UK00909110537, registered on November 2, 2010; and (iii) Swiss word mark BCEE, registration number 615156, registered on May 10, 2011. The Complainant also holds and uses domain names incorporating its mark, including <bcee.lu>, which resolves to its official website.

The disputed domain name <bcee-capital.com> was registered on January 5, 2026. According to the record, the disputed domain name does not currently resolve, and has not resolved in the past, to any active website, and instead returns a browser connection error.

#### **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.

Notably, the Complainant contends that it owns multiple registered trademark rights in the mark BCEE, including in the European Union, United Kingdom, and Switzerland, and that the mark is distinctive and widely recognized in connection with banking and financial services. The Complainant submits that the disputed domain name reproduces its BCEE trademark in its entirety, which remains the dominant and clearly recognizable element. The addition of the term “capital”, which is descriptive of financial services, is said to reinforce rather than dispel confusion, as it directly relates to the Complainant’s field of activity. The generic Top-Level Domain “.com” is, according to the Complainant, to be disregarded for the purpose of the comparison. On this basis, the Complainant contends that the disputed domain name is confusingly similar to its trademarks.

As to rights or legitimate interests, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In particular, the Complainant states that it has not authorized the Respondent to use its BCEE trademark, nor is the Respondent affiliated with the Complainant in any way. The Complainant further submits that there is no evidence that the Respondent holds any trademark rights in the sign BCEE or has made any bona fide use of the disputed domain name. The disputed domain name does not resolve to an active website, and the Complainant argues that, given the distinctiveness of its mark and the absence of any credible explanation, the Respondent cannot reasonably claim any legitimate use. Accordingly, the Complainant maintains that it has established a prima facie case which the Respondent has not rebutted.

As to registration and use in bad faith, the Complainant submits that the disputed domain name was registered and is being used in bad faith. It argues that, given the distinctiveness and reputation of the BCEE mark, the Respondent knew or should have known of the Complainant's rights at the time of registration. The incorporation of the mark in its entirety, combined with the term "capital", is said to create a strong likelihood of confusion and suggests an intent to target the Complainant's financial services. Although the disputed domain name is currently inactive, the Complainant contends that such passive holding does not preclude a finding of bad faith, particularly in light of the risk of phishing or fraudulent use. The Complainant further points to evidence that the Respondent is associated with a large portfolio of domain names, which it submits demonstrates a pattern of abusive registrations. On this basis, the Complainant concludes that the disputed domain name was registered and is being used in bad faith within the meaning of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that neither the Complainant nor its representative is fluent in Chinese, that requiring a translation would result in unnecessary delay and costs, and that the disputed domain name is composed of Latin characters incorporating the Complainant's trademark together with an English descriptive term. The Complainant further referred to prior UDRP decisions involving the same Registrar in which panels have accepted English as the language of the proceeding notwithstanding a Chinese-language registration agreement.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview of WIPO Panel Views on Select UDRP Questions \("WIPO Overview 3.1"\)](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## 6.2 Substantive Issues

### 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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms here, “-capital”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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.

Based on the evidence provided, the Panel notes that the Respondent is not connected with or licensed by the Complainant in any way and is not commonly known by the disputed domain name and that there are no elements in this case that point to the Respondent having made any reasonable and demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Instead, according to the record, the disputed domain name does not currently resolve, and has not resolved in the past, to any active website. In this regard, the Panel finds that holding a domain name passively, without making any use of it, does not confer any rights or legitimate interests in the disputed domain name on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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 the present case, the Panel notes that the Respondent has registered a domain name which is confusingly similar to the Complainant's prior BCEE trademarks and combined with the term "-capital", which is indicative of the Complainant's services. The Panel also notes that these trademarks predate the Respondent's registration of the disputed domain name on January 5, 2026, by many years, with the Complainant's first of the abovementioned registrations dating back to 2010. This means that even a cursory Internet or trademark search at the time of registration of the disputed domain name would have revealed the Complainant's longstanding rights in the BCEE mark, and its intensive use in connection with financial services. In the Panel's view, the above elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

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 3.1](#), section 3.2.1.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and longstanding use of the Complainant's trademark, the composition of the disputed domain name, and the failure of the Respondent to submit a response, 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.

For completeness, as to the Complainant's arguments regarding the Respondent's alleged predatory domain name squatting, the Panel notes that the mere holding of a large number of domain names does not, of itself and without evidence of targeting of third-party marks, demonstrate bad faith under the Policy. In the present case, the Complainant submits that the Respondent is associated with approximately 3,680 domain names, which it alleges exceeds any apparent legitimate business needs and reflects a pattern of abusive registrations. However, the Panel has reviewed the Complainant's evidence, which consists only of a partial list (i.e., only the first page) of reverse Whois results and does not disclose any obvious instances of domain names corresponding to ostensible third-party trademarks. In these circumstances, the Panel considers that such evidence is insufficient, on its own, to establish a pattern of bad faith registrations, absent a showing that the Respondent has engaged in a pattern of targeting third-party trademarks (see, in this regard, *Travel Designer India Private Limited v. Michael King*, WIPO Case No. [D2021-3862](#)).

Given the abovementioned elements, 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 <bcee-capital.com> be transferred to the Complainant.

*/Deanna Wong Wai Man/*

**Deanna Wong Wai Man**

Sole Panelist

Date: April 17, 2026