

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA / Belfius Bank NV v. Lasgaa Mohamed
Case No. D2023-1574

1. The Parties

The Complainant is Belfius Bank SA / Belfius Bank NV, Belgium, represented internally.

The Respondent is Lasgaa Mohamed, Sweden.

2. The Domain Names and Registrar

The disputed domain names <auth-belfiues.cloud>, <belfiues.art>, <belfiues.cloud>, <belfiues.host>, <belfiues.info> and <my-belfiues.art> are registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2023. On April 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 24, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 2023, 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 April 26, 2023 and requested to remove four domain names from the Complaint.

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 May 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 23, 2023.

The Center appointed Daniel Peña as the sole panelist in this matter on June 7, 2023. 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. Preliminary issue: Consolidation of Respondents

The Panel has considered the possible consolidation of the Complaint for the disputed domain names. According to 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 disputed domain names and arguments submitted by the Complainant in favor of the consolidation: (i) disputed domain names were created around the same time; (ii) disputed domain names incorporate the Complainant's mark BELFIUS in its entirety or slightly misspelled; (iii) disputed domain names refer directly to BELFIUS trademark, alone or in combination with descriptive terms; or terms referring to a location; (iv) disputed domain names used a privacy protection service which points to a concealment of identity; (v) the disputed domain names appear subject to common control intended for use in the same fraudulent enterprise; and (vi) consolidation would be fair and equitable to all Parties. All the above, along with the fact that the named Respondents did not submit any arguments to rebut this inference is taken into account by the Panel.

The Panel finds that the consolidation is fair to the Parties, and the 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 disputes domain names), but have chosen not to try 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 Complaint, the Panel finds that it is more likely than not that the disputed domain names are in common control of one entity; hence, the Panel grants the consolidation for the disputed domain names (and will refer to these Respondents as the "Respondent").

5. Factual Background

The Complainant is a Belgian bank and financial services provider with more than 5,000 employees and over 650 agencies as well as 100% government shareholdership.

The Complainant is owner of several BELFIUS trademarks in relation to banking services in class 36, as follows:

- The European Union registration no. 010581205 BELFIUS, filed on January 23, 2012 and registered on May 24, 2012;
- The Benelux registration no. 0914650 BELFIUS, filed on January 23, 2012 and registered on May 10, 2012;
- The Benelux registrations no. 0915963 and 0915962 BELFIUS LOGO, filed on March 2, 2012 and registered on June 11, 2012.

The disputed domain names were registered by the Respondent between February 6, 2023 and March 9, 2023. The disputed domain names resolve to inactive websites (including Registrar parking page and error pages).

6. Parties' Contentions

A. Complainant

The Complainant has financial activities focused on the Belgian territory. Nevertheless, the trademark BELFIUS is also shown outside Belgium as the Complainant sponsors several national sports teams and sports events.

The trademark BELFIUS is an invented word composed of the expressions "Bel" as in "Belgium", "fi" as in "finance" and the English word "us".

The disputed domain names are thus composed of the complete incorporation of the Complainant's trademark BELFIUS or slightly misspelled alone, or combined with the non-distinctive generic terms.

The addition of the generic terms does not lessen the inevitable confusion of the dispute domain names with the Complainant's BELFIUS trademark.

The Respondent lacks any rights or legitimate interests in respect of the disputed domain names.

The Complainant's trademark registrations for BELFIUS predate the Respondent's registration of the disputed domain names.

The Respondent is in no way associated with the Complainant.

The Complainant has not licensed, approved or in any way consented to the Respondent's registration and use of the trademark in the disputed domain names.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names.

The Respondent had or should have had knowledge of the Complainant's trademark when it registered the disputed domain names.

The Respondent did not reply to the cease and desist notice sent by the Complainant.

The Complainant asserts that the disputed domain names were registered and are being used in bad faith.

B. Respondent

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

7. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and (iii) the disputed domain names have been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows:

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks BELFIUS on the basis of its multiple trademark

registrations in the European Union and Benelux trademark registrations provides a clear indication that the rights in the trademark belong to the Complainant (see [WIPO Overview 3.0](#), section 1.2.1). It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of [WIPO Overview 3.0](#).

The Panel finds that the disputed domain names are confusingly similar to the Complainant's BELFIUS marks. The Respondent's incorporation of the Complainant's mark in full in the disputed domain names is evidence that the disputed domain names are confusingly similar to the Complainant's marks. Mere fact of the addition of the terms letter "e" as well as descriptive terms "my" and "auth", with hyphens, to the Complainant's trademark BELFIUS do not prevent a finding of confusing similarity with the Complainant's marks. Furthermore, the addition of the generic Top-Level Domains ("gTLD") ".cloud", ".art", ".host", and ".info" are not sufficient to prevent a finding of confusing similarity either.

The Panel is satisfied that the disputed domain names are confusingly similar to the Complainant's mark and the Complainant has satisfied the requirement of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant bears the burden of proof in establishing this requirement. In view of the difficulties inherent in proving a negative and because the relevant information is mainly in the possession of the Respondent, it is enough for the Complainant to establish a *prima facie* case which, if not rebutted by sufficient evidence from the Respondent, will lead to this ground being set forth.

Refraining from submitting any Response, the Respondent has brought to the Panel's attention no circumstances from which the Panel could infer that the Respondent has rights to or legitimate interests in the disputed domain names. The Panel will now examine the Complainant's arguments regarding the absence of rights or legitimate interests of the Respondent in connection with the disputed domain names. The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant's trademarks in a domain name or in any other manner. The disputed domain names are not derived from the name the Respondent has provided to the Registrar. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain names could be derived.

Moreover, the disputed domain names resolve to an inactive websites. The Panel also finds that the nature of the disputed domain names carry a risk of implied affiliation with the Complainant's trademarks (see [WIPO Overview 3.0](#), section 2.5.1).

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

The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain names and that paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy stipulates that any of the following circumstances, *inter alia*, shall be considered as evidence of the registration and use of a domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service

mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or (ii) circumstances indicating that the respondent 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 the Respondent has engaged in a pattern of such conduct; or (iii) circumstances indicating that the respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

With regard to the bad faith at the time of registration, the Panel notes that "belfius" is not a common or descriptive term, but a registered trademark in and to which the Complainant has demonstrated has rights. The disputed domain names reproduce, without any authorization or approval, the Complainant's registered trademarks. Moreover, the disputed domain names are inherently misleading as they reproduce the Complainant's BELFIUS trademark with the inclusion of the letter "e" together with prefixes "my" and "auth" with a hyphen in two of the disputed domain names. This kind of conduct is considered as an act of "typosquatting" or registering a domain name that is a common misspelling of a mark in which a party has rights and has often been recognized as evidence of bad faith registration per se. See *Paragon Gifts, Inc. v. Domain.Contact*, WIPO Case No. [D2004-0107](#) (citing *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)); *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#) (finding that the practice of "typosquatting", by itself, is evidence of the bad faith registration of a domain name). The Panel concurs with this approach.

In addition, owing to the substantial presence established worldwide, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant's trademarks when registering a domain name that entirely reproduces the Complainant's trademark. Therefore, it is more likely than not that the Respondent, when registering the disputed domain names, had knowledge of the Complainant's earlier rights to the BELFIUS trademark. The bad faith registration and use of the disputed domain names is also affirmed by the fact that the Respondent has not denied, or even responded to, the assertions of bad faith made by the Complainant in this proceeding.

Furthermore, the Panel finds that the passive holding of the disputed domain names in the circumstances of the case does not prevent a finding of bad faith registration and use. On the contrary, this Panel agrees with the Complainant's assertion that in the case of domain names containing well-known earlier marks, passive holding can constitute an indication of bad faith. Here, the Panel finds that the Respondent's passive holding of the disputed domain names does not prevent a finding of bad faith (see section 3.3 of the [WIPO Overview 3.0](#)). In the circumstances, the Panel finds that the passive holding of the disputed domain names disrupts the Complainant's business. Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain names in bad faith.

Therefore, the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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, <auth-belfiues.cloud>, <belfiues.art>, <belfiues.cloud>, <belfiues.host>, <belfiues.info>, <my-belfiues.art> be transferred to the Complainant.

/Daniel Peña/

Daniel Peña

Sole Panelist

Date: June 19, 2023