

ADMINISTRATIVE PANEL DECISION

Euronext N.V. v. 博 兰, 兰博
Case No. D2024-3584

1. The Parties

The Complainant is Euronext N.V., Netherlands (Kingdom of the), represented by LegalMatters.com B.V., Netherlands (Kingdom of the).

The Respondent is 博 兰, 兰博, China.

2. The Domain Name and Registrar

The disputed domain name <euronext-ai.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint¹ was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 4, 2024. On September 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 2024, 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 (Domain Protection Services, Inc., Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 2024, providing the registrant and contact information disclosed by the Registrar for the disputed domain name <euronext-ai.com> and other domain names, and requesting the Complainant to either file separate complaints for the domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all the domain names are under common control. The Complainant filed an amended Complaint only concerns the disputed domain name <euronext-ai.com> on October 2, 2024.

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”).

¹ The Complaint was initially filed involving four domain names, three of which were withdrawn by the Complainant during the proceeding.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 25, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on November 4, 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 Complainant is a Dutch company operating in the financial field and owning several trademark registrations worldwide for EURONEXT, including the following:

- European Union trademark registration No. 013343629 for EURONEXT (word mark), filed on October 8, 2014, and registered on March 3, 2015, in classes 9, 35, 36, 38, 41, and 42;
- United Kingdom trademark registration No. UK00913343629 for EURONEXT (word mark), filed on October 8, 2014, and registered on March 3, 2015 in classes 9, 35, 36, 38, 41, and 42;
- European Union trademark registration No. 018070221 for EURONEXT (word mark), filed on May 21, 2019, and registered on February 4, 2020, in classes 9, 35, 38, 38, 41, and 42;
- United Kingdom trademark registration No. UK00918070221 for EURONEXT (word mark), filed on May 21, 2019, and registered on February 4, 2020, in classes 9, 35, 38, 38, 41, and 42;
- International trademark registration No. 1506088 for EURONEXT (word mark), registered on May 22, 2019, in classes 9, 35, 38, 38, 41, and 42.

The Complainant is also the owner of the domain name <euronext.com>, which was registered on April 25, 1998, and is used by the Complainant to promote its financial services under the trademark EURONEXT.

The disputed domain name <euronext-ai.com> was registered on July 30, 2024, and currently resolves to an inactive website. According to the screenshots submitted by the Complainant, the disputed domain name resolved to a website offering crypto trading services, without displaying any disclaimer of non-affiliation with the Complainant.

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 the disputed domain name is identical, or at least confusingly similar to the trademark EURONEXT in which the Complainant has rights, as it reproduces the trademark in its entirety with the mere addition of the term "ai" (which refers to artificial intelligence and is thus generic and descriptive) and the generic Top-Level Domain ("gTLD") ".com".

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant states that the Respondent: i) has not been authorized to use the Complainant's trademark EURONEXT; ii) is not commonly known by the disputed domain name; iii) is not using the disputed domain name with a bona fide intent; and iv) is not making a legitimate noncommercial or fair use of the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant indicates that considering the EURONEXT trademark is well known in the financial market, and that the Complainant is Europe's largest bourse/stock exchange, the Respondent could and should have been aware of the Complainant when registering the disputed domain name.

The Complainant also submits that the Respondent has clearly registered and used the disputed domain name with the intention of attracting, for commercial gain, Internet users to its website whilst clearly infringing the Complainant's exclusive rights to the EURONEXT mark.

The Complainant further states that the Respondent's use of the disputed domain name is not only harmful to the reputation of the Complainant, but it most certainly harms consumers who could become victims of the fraudulent actions of the Respondent.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for EURONEXT.

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

Although the addition of the term "ai" (which can be interpreted as an acronym of "artificial intelligence") 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 3.0](#), section 1.8.

The applicable TLD in a domain name, such as the gTLD ".com" in this case, is viewed as a standard registration requirement and is thus disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), sections 1.11.1.

Therefore, 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 evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name. Moreover, there is no element from which the Panel could infer the Respondent’s right over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, the Panel finds that the prior use of the disputed domain name in connection with the offering of crypto trading services, i.e. in the same financial sector in which the Complainant operates, does not amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use without intention to misleadingly divert the consumers or to tarnish the Complainant’s trademark.

The Panel notes that the disputed domain name does not currently resolve to an active website. The Panel shares the view held in *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#), where it was found that, absent some contrary evidence from the respondent, passive holding of a domain name does not constitute a “legitimate non-commercial or fair use”.

Therefore, the Panel finds the second element of the Policy has been established as well.

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 finds that, in light of i) the prior registration and use of the trademark EURONEXT in connection with the Complainant’s financial services, promoted online also via the website “www.euronext.com”; ii) the distinctiveness of the EURONEXT mark for financial services; iii) the composition of the disputed domain name, encompassing the Complainants’ EURONEXT mark with the term “ai” (which could stand for “artificial intelligence”); and iv) the content of the website initially published at the disputed domain name, offering crypto trading services, the Respondent was aware of the Complainant’s trademark rights and registered the disputed domain name to target the Complainant’s trademark.

In view of the redirection of the disputed domain name to the website described above, offering financial services and failing to disclose the lack of affiliation with the Complainant, the Panel finds that the Respondent intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website and the services offered therein, according to paragraph 4(b)(iv) of the Policy.

As far as the current inactive use is concerned instead, 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.

Therefore, the Panel finds that the Complainant has also 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 <euronext-ai.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: November 18, 2024