

## **ADMINISTRATIVE PANEL DECISION**

EFG Bank European Financial Group SA v. Ms. Prudence Deckow, Host Master, Njalla Okta LLC  
Case No. D2024-4405

### **1. The Parties**

The Complainant is EFG Bank European Financial Group SA, Switzerland, represented by CMS Cameron McKenna Nabarro Olswang LLP, United Kingdom.

The Respondents are Ms. Prudence Deckow, United States of America (the “United States”), Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

### **2. The Domain Names and Registrars**

The disputed domain names <efgbtrdpltfm.com>, <efg-ltd.com> and <gfgintwebpltfms.com> are registered with Tucows Inc.

The disputed domain name <efgintwebpltfm.com> is registered with NameCheap, Inc. (collectively referred to as the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2024. On October 28, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On the same day, the Registrars transmitted by email to the Center its verification response disclosing registrants and contact information for the disputed domain names which differed from the named Respondent (Doe complaint) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 29, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on November 1, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 7, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on December 11, 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 bank regulated by the Swiss Financial Market Supervisory Authority (FINMA) and the major shareholder of global private banking and asset management group EFG International headquartered in Zurich, Switzerland and founded in 1995. EFG International is listed on the SIX Swiss Exchange, operates and is using its EFG brand in more than 20 countries worldwide, has around 3,000 employees and manages CHF 157 billion of client asset, as of April 2024.

The Complainant owns a portfolio of more than 150 registrations worldwide for or including EFG trademark, such as the following:

- the European Union trademark registration number 0582742 for EFG (word), filed on July 7, 1997, registered on January 25, 1999, covering services in International Class 36;
- the United States trademark registration number 4354927 for EFG (word), filed on February 23, 2012, registered on June 18, 2013, covering services in International Class 36; and
- the United States trademark registration number 5333495 for EFG (logo), filed on January 23, 2017, registered on November 14, 2017, covering services in International Class 36.

The Complainant owns domain names incorporating EFG, such as <efginternational.com>.

The disputed domain names were registered as follows:

- on April 23, 2023, <efgbtrdpltfm.com> and <efg-ltd.com> were registered;
- on July 24, 2024, <efgintwebpltfm.com> was registered; and
- on September 26, 2024, <gfgintwebpltfms.com> was registered.

At the time of filing of the Complaint, the disputed domain names <efgbtrdpltfm.com> and <gfgintwebpltfms.com> resolve to websites nearly identical, featuring a trading platform purporting to offer financial services, displaying the Complainant’s EFG mark and logo with a minor alteration (a change of color). Also, the websites under the disputed domain names contain options allowing to link consumer’s crypto wallet, to enter credit card details and to upload personal identification documents; and did not display information or any contact details of the entity operating such websites. The disputed domain name <efg-ltd.com> redirected to website under one of the disputed domain names <gfgintwebpltfms.com>.

At the time of filing the Complaint, the disputed domain name <efgintwebpltfm.com> was no longer accessible, however, according to evidence provided in the Complaint, at least until October 4, 2024, it was also redirected to website under one of the disputed domain names <gfgintwebpltfms.com>, used in a similar manner with the other disputed domain names, namely for a trading platform purporting to offer financial services using the Complainant's trademark and logo.

## **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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its trademarks, company name, and its unregistered rights in the sign EFG; the disputed domain names incorporate the EFG mark, followed by descriptive and non-distinctive terms, since "btrdpltfm" stands for "Bank Trading Platform", "ltd" stands for "limited" and refers to a type of company, and "intwebpltfm", respectively "intwebpltfms" stands for "International Web Platform/s"; the Respondents have no rights or legitimate interests in the disputed domain names; the use of the Complainant's logo in combination with the purporting offering of financial services on the websites under the disputed domain names is made by the Respondent in order to mislead the consumers into thinking that any financial services offered through the websites under the disputed domain names originate from, or as associated with, the Complainant; given the blatant deception in using the Complainant's trademarks without permission, the Respondent is very likely using the websites under the disputed domain names for phishing purposes, for financial and personal information or some other fraudulent purposes; the Complainant's representative registered an account with the disputed domain name <efgbtrdpltfm.com> and further was able to use the username and password for the other two disputed domain names actively used at the time of filing the Complaint, <efg-ltd.com> and <gfgintwebpltfms.com>; the disputed domain names automatically redirect from one to another; the Respondents registered and are using the disputed domain names in bad faith mainly because: the Complainant and its mark is well known for providing financial services and has registered rights in relation to such services, the websites under the disputed domain names display the Complainant's trademark and logo, and purports to offer financial services, and online searches did not reveal any legitimate entity under the name of the Respondents. In fact, the name of the Respondent Host Master, Njalla Okta LLC is linked to fraudulent activities, including a prior UDRP dispute decided against it – see *Phillip Morris Products S.A. v. Host Master, Njalla Okta LLC*, WIPO Case No. [D2024-3452](#).

### **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Procedural Issue: Consolidation of Multiple Respondents**

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names (i) were used in the same manner, resolving to nearly identical websites using the Complainant's mark and logo, and offering financial services, or redirected from one to another, including the disputed domain name <efgintwebpltfm.com> up to at least October 4, 2024; (ii) are registered in the same generic Top-Level Domain (gTLD) ".com"; (iii) were created in a similar manner, incorporating the Complainant's trademark EFG (or a typo of such mark in the disputed domain name <gfgintwebpltfms.com>), and abbreviated terms related to the financial field, namely "btrdpltfm" deriving from "Bank Trading Platform", "ltd" from "limited" and "intwebpltfm/s" from "International Web Platform/s"; (iv) share numerous similarities such as: the disputed domain names <efgbtrdpltfm.com>, <efg-ltd.com> and <gfgintwebpltfms.com> share the same Registrar; the disputed domain names <efgbtrdpltfm.com> and <efg-ltd.com> were registered on the same day; the disputed domain names <efg-ltd.com>, <gfgintwebpltfms.com> and <efgbtrdpltfm > are registered in the name of the same registrant; and (v) the Respondents have not objected to the consolidation claims made by the Complainant despite the communications sent by the Center to them.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## **6.2. Substantive Issue: Three Elements**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (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 the disputed domain names; and
- (iii) the disputed domain names have been registered and are 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 names. See section 1.7 of the [WIPO Overview 3.0](#).

Based on the available record, the Panel finds 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 Panel finds the mark EFG is recognizable within each of the disputed domain names. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here "btrdpltfm", "ltd", "intwebpltfm", and "intwebpltfms" respectively, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Although the replacement of one letter composing the mark, the first letter “e” replaced with “g” in the disputed domain name <gfgintwebpltfms.com>, may bear on assessment of the second and third elements, the Panel finds the replacement of such letter, a misspelling of the 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 1.9.

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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

According to the evidence provided in the Complaint, the Respondent has used the disputed domain names in connection with websites containing the Complainant’s trademark (or a misspelled version thereof), displaying the Complainant’s logo and purporting to offer financial services, also inviting Internet users to provide personal sensitive information such as card details or to upload personal identification documents. Panels have held that the use of a domain name for illegitimate activity (e.g., phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 disputed domain names were registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant’s trademark predates the registration of the disputed domain names by more than 25 years and the composition of the disputed domain names itself, comprising the EFG trademark, or a misspelled version thereof, followed by terms which directly relate to the core area of the Complainant’s business (“btrdpltfm” deriving from “Bank Trading Platform”, “ltd” from “limited” and “intwebpltfm/s”, from “International Web Platform/s”). The use of the disputed domain names further enhances such finding.

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.

According to the evidence provided, at the time of filing the Complaint, the disputed domain names <efgbtrdpltfm.com>, <efg-ltd.com> and <gfgintwebpltfms.com> were used in relation to webpages featuring a trading platform purporting to offer financial services.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] 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 [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain names incorporate the Complainant's trademark in combination with terms related to financial field, and the websites operated under the disputed domain names display the Complainant's mark and logo (although the color slightly altered), claim to provide financial services and do not provide any disclaimer in relation to the relationship (in fact the lack thereof) with the Complainant, indeed in this Panel's view, the Respondent has intended to attract unsuspecting Internet users accessing the websites corresponding to the disputed domain names who may be confused and believe that the websites are held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent's commercial gain. This activity may also disrupt the Complainant's business, tarnish its trademark, and cause damages to the mislead Internet users.

At the time of filing the Complaint, the disputed domain name <efgintwebpltfm.com> was not actively used. UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Furthermore, the Respondent has been involved in at least another prior UDRP proceeding, as detailed in Section 5.A. above, and has registered four disputed domain names incorporating the Complainant's trademark. UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registrations. [WIPO Overview 3.0](#), section 3.1.2.

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 names, <efgbtrdpltfm.com>, <efg-ltd.com>, <gfgintwebpltfms.com> and <efgintwebpltfm.com>, be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: December 25, 2024