

ADMINISTRATIVE PANEL DECISION

Aegon N.V. v. Elena Demidova, Fronts
Case No. D2024-4653

1. The Parties

The Complainant is Aegon N.V., Netherlands (Kingdom of the), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Elena Demidova, Fronts, Thailand.

2. The Domain Name and Registrar

The disputed domain name <aegoninternational.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 12, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 13, 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 (Redacted for Privacy Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 2024, 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 November 18, 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 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 11, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on December 17, 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 global insurance company based in the Netherlands (Kingdom of the). It owns several trademark registrations consisting of, or comprising AEGON, including the following, as per trademark registration details submitted as Annex 1 to the Complaint:

- International trademark registration No. 536748 for AEGON (word mark), registered on March 30, 1989, in classes 35 and 36;
- European Union trademark registration No. 000413039 for AEGON (word mark), filed on November 11, 1996 and registered on September 28, 1999, in classes 35 and 36;
- United States of America ("United States") trademark registration No. 1785801 for AEGON (figurative mark), filed on September 03, 1991, and registered on August 03, 1993, in international class 36.

The Complainant is also the owner of numerous domain names including <aegon.com>, which was registered on June 16, 1997, and is used by the Complainant to promote its services under the AEGON mark.

The disputed domain name <aegoninternational.com> was registered on January 18, 2024, and does not currently resolve to an active website. The Complainant submitted evidence, that the Respondent has not contested, that shows that the disputed domain name was redirected prior to the present proceeding to the website "www.healthonlyforyou.com". According to the screenshots submitted as Annex 3 to the Complaint, that website, which is entirely in English, mainly provides health and wellness related advice and articles, although the "About us" page contains references to tour guides, while no reference to the Complainant or the AEGON mark appears.

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.

The Complainant states that its AEGON mark was invented in 1983 from the merging of the names of two of its predecessors, Ago and Ennia, and submits that it has exclusive right to use the AEGON mark in commerce on, or in connection with, the goods and/or services for which the mark is registered.

The Complainant submits that the disputed domain name is confusingly similar to its AEGON registered mark as it reproduces the trademark in its entirety with the mere addition of the descriptive term "international", that only serves to underscore and increase the confusing similarity between the disputed domain name and the Complainant's trademark, since the Complainant is an international financial services holding company with a portfolio of businesses in the United States, United Kingdom, local partners in Spain, Portugal, China, and Brazil and asset management partnerships in France and China.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name since the Respondent is not commonly known by the disputed domain name, also in view of its use of a Whois privacy service to shield its identity when registering the disputed domain name.

The Complainant also states that, given the confusing similarity of the disputed domain name to the Complainant's trademark, the use of the disputed domain name to redirect Internet users to a third-party website displaying content unrelated to the Complainant's services implies a false affiliation with the Complainant which is neither a bona fide use nor a legitimate noncommercial or fair use of the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant indicates that, since the registration and use of its AEGON marks long predate the registration of the disputed domain name and considering the internationally well-known and famous status of its trademark AEGON, the Respondent knew or should have known of the Complainant's trademark when registering the disputed domain name.

The Complainant submits that, by registering a domain name that is confusingly similar to the Complainant's trademark AEGON, the Respondent intentionally attempted to attract users to the website to which the disputed domain name redirected, causing confusion among Internet users as to the source of the disputed domain name and the correspondent website.

The Complainant further contends that since the disputed domain name incorporates the Complainant's trademark in its entirety with the addition of the term "international", there is no plausible good-faith reason or logic for the Respondent to have registered the disputed domain name.

The Complainant also states that the Respondent failed to reply to the cease-and-desist letters sent by the Complainant's legal representative and concludes that such circumstance, along with the fact that the Respondent also concealed its identity through the use of a Whois privacy service, further demonstrates the Respondent's bad faith.

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 valid trademark registrations for AEGON.

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 3.0](#), section 1.7.

Although the addition of other terms such as “international” in this case, 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.

In addition, the generic Top-Level Domain “.com” can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 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 rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

As mentioned above, the Complainant submitted, and the Respondent has not denied, that the disputed domain name, currently not resolving to an active website, was redirected prior to the start of the proceeding to a third-party website in English providing health and wellness related advice and articles unrelated to Complainant and its AEGON mark.

Considering the distinctiveness of the AEGON mark encompassed in the disputed domain name, which does not correspond to a dictionary word in English, and the content of the website to which the disputed domain name was apparently previously redirected, the Panel finds that, in the circumstances of the case, there appears no plausible explanation for the Respondent’s incorporation of the mark in the disputed domain name other than to attract users inducing them to believe that the disputed domain name and the website to

which it was redirected were owned and operated by the Complainant or one of its affiliated or authorized entities. Furthermore, the website to which the disputed domain name was redirected – still online at the time of the drafting of this Decision – does not contain any disclaimer of non-affiliation with the Complainant.

Therefore, the Panel finds that, based on the records, there is no evidence showing that the Respondent made use or preparations to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial use without intention to misleadingly divert consumers or to tarnish the Complainant's trademark.

In addition to the above, considering the distinctiveness of the AEGON mark, and the reputation acquired by the Complainant in the insurance sector at an international level, the Panel finds that the disputed domain name, combining the AEGON mark with the term "international", suggests an affiliation with the Complainant that does not exist. [WIPO Overview 3.0](#) section 2.5.1.

Therefore, the Panel finds the second element of the Policy has also 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.

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.

In the present case, the Panel finds that, in light of the prior registration and use of the trademark AEGON in connection with the insurance services provided by the Complainant in many countries of the world since many years and promoted online via the website "www.aegon.com", and considering the composition of the disputed domain name, incorporating the AEGON mark with the addition of the term "international" which is descriptive of the Complainant's business as it is a global insurance company, the Respondent was likely aware of the Complainant and intended to target the Complainant and its trademark at the time of registration of the disputed domain name.

The Panel also finds that, in view of the prior use of the disputed domain name, confusingly similar to the Complainant's trademark, to redirect users to the website described above, displaying contents unrelated to the Complainant without displaying any disclaimer of non-affiliation with the Complainant, the Respondent intentionally attempted to attract Internet users to such website, likely for commercial gain, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website according to paragraph 4(b)(iv) of the Policy.

The disputed domain name is currently not resolving to an active website and is, therefore, passively held. 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, considering i) the distinctiveness and reputation of the Complainant's trademark, ii) the composition of the disputed domain name, which reinforces the impression of an affiliation with the Complainant, iii) the Respondent's failure to submit a Response, and iv) the Respondent's use of a Whois privacy service to shield its identity, the Panel finds that the current 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 established the third element of the Policy as well.

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 <aegoninternational.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: December 31, 2024