

## **ADMINISTRATIVE PANEL DECISION**

Trading Central S.A. v. Amir Jabur  
Case No. D2025-0142

### **1. The Parties**

The Complainant is Trading Central S.A., France, represented by Open Plan Law Ltd, United Kingdom.

The Respondent is Amir Jabur, Netherlands (Kingdom of the)

### **2. The Domain Name and Registrar**

The disputed domain name <tradingcentralfx.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2025, 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 (TRADING CENTRAL FX) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 16, 2025, 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 January 20, 2025.

The Center verified that the Complaint 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 January 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. A third Party sent email communications to the Center on January 16 and 22, 2025, as well as on February 18, 2025. The Respondent sent email communications to the Center on January 22 and 24, 2025.

The Center appointed John Swinson as the sole panelist in this matter on February 19, 2025. 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 self-described “House of Investment Insights”. It was established 25 years ago and has won several awards for its services including the 2024 Best Investment Research Tech award on Benzinga Fintech Deal Day, and the Best Market Insights & Analysis at the ADVFN International Financial Awards 2024.

The Complainant has its head office in Paris, and has offices in Ottawa, New York, Hong Kong, China, Cyprus, Sydney, Nice, Bucharest, and London.

The Complainant’s website is located at <tradingcentral.com>.

The Complainant owns the following trademark registrations:

A. United Kingdom Trade Mark UK00003563520 for “TRADING CENTRAL” which was registered on April 9, 2021.

B. European Union Trade Mark 018349979 for “TRADING CENTRAL” which was registered on May 11, 2021.

The disputed domain name was registered on September 1, 2024.

According to the Registrar’s records, the owner of the disputed domain name is Amir Jabur of Netherlands (Kingdom of the). Mr. Jabur, in correspondence with the Center, denies that he owns the disputed domain name, and stated that he is willing to transfer the disputed domain name to the Complainant. However, Mr. Jabur was unable to affect the transfer because he does not have an account with the Registrar.

The Complainant has been in correspondence with a third Party (that has identified itself only with a personal name that bears no similarity to the Respondent name or the disputed domain name). The third Party uses the email address “[...]@tradingcentralfx.com” in this correspondence. The email signature block in one such email includes a physical address for a hotel in the United Arab Emirates. The third Party sent correspondence to the Center in response to the Complaint, discussed further below. The third Party states that it or “TCFX” is the Registrant (it is unclear who) and that they have a brand “TradingCentralFX”. The third Party provides an address in Dubai, United Arab Emirates.

The disputed domain name resolves to a website with the heading “trading CentralFX” (with “trading” above “CentralFX”). The website includes statements such as “Calculate how much you will make when you join Trading Central FX.” In some parts of this website, there is reference to “Trading Central” without the “FX”. The website appears to allow customers to join to receive foreign exchange trading recommendations or “signals”. The website claims that TradingCentralFX was created in 2022 and has “a community of over 25.000+ members worldwide”. It appears that Trading Central FX receives revenue by requiring its members to use specified trading platforms and by charging fees to access a “VIP” Telegram chat group that provides a higher volume of “signals”.

The website at the disputed domain name does not appear to identify the entity operating the website. The website has a copyright notice that states “© TradingCentralFX. Developed by PLG STUDIO.” There is a warning notice that states: “**FCA Notice:** This platform provides educational information only. We do not engage in investment activities, nor are we authorized by the UK’s Financial Conduct Authority (FCA) to offer investment or trading services. Residents of the UK should exercise caution and ensure that any trading platform or service used is authorized and regulated by the FCA.” The “Privacy Policy” page does not

identify any entity, and says “For more information about our privacy practices, if you have questions, or if you would like to make a complaint, please contact us by e-mail at “[...]@tradingcentralfx.com” or by mail using the details provided in our Contact page.” The Panel is unable to find any contact page (or physical address) on the website at the disputed domain name. The “Terms & Conditions” page states: “In no way, is Trading Central FX affiliated, associated or partnered with other brands that have ‘Trading’, ‘Central’, ‘Central Trading’ or ‘Trading Central’ in their name.” The “Terms & Conditions” page also does not identify any legal entity, does not include an address or a notices clause, and does not include a choice of law clause.

There are videos on the website at the disputed domain name that appear to be customer testimonials. In one video, a person called Danny uses the name “Trading Central” not “Trading Central FX” to refer to the website at the disputed domain name. In another video, the person uses the name “Trading Central Dot FX.”

The Panel notes that the domain name <tradingcentralfx.nl> diverts to the website at the disputed domain name. The domain name <tradingcentralfx.nl> is not included in this Complaint and no decision is made regarding <tradingcentralfx.nl>.

## **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 both the Complainant and the Respondent operate in the business of providing financial investment advice to traders. The Complainant asserts that the disputed domain name is identical to the Complainant’s trademark, and that the “fx” component of the disputed domain name should be disregarded because it is a descriptive term for a type of financial trading.

The Complainant states that the Respondent purports to be the Complainant and provides evidence of the Respondent’s Instagram and Telegram pages where the Respondent’s accounts are described as the “Official account of Trading Central” and the “official Trading Central helpdesk”. The Complainant contends that the Respondent’s use of “Trading Central” is a deliberate attempt to mislead users and that the Respondent does not have a right of legitimate interest in the disputed domain name.

The Complainant provided evidence of actual consumer confusion.

### **B. Respondent**

The third Party filed an informal response. In summary, the third Party asserted that it has invested time in the disputed domain name and that it is not seeing any “match” between the third Party and the Complainant.

The third Party also asserts that it is not infringing any trademarks, and that one cannot trademark words such as “trading” and “central”.

The third Party also asserts that it and the Complainant are in a different category of the industry, and that the third Party’s brand is more trustworthy than the Complainant’s brand. The third Party states that if there is consumer confusion, then the damage to its brand will be greater than damage to the Complainant’s brand.

The third Party offered to “change up a few things” on its website.

## 6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

### A. Procedural Issue – Respondent Identity

An issue arises in this case as to who is the proper Respondent.

The Respondent named in the Registrar's records states that it did not register the disputed domain name, and that he is willing to transfer the disputed domain name to the Complainant but is unable to do so because he does not have access to the relevant Registrar account.

Usually, the Panel would treat the person named in the Registrar's records as the Respondent. Moreover, in circumstances where that person agrees to transfer the disputed domain name to the Complainant, many panels will order the requested remedy solely based on such consent, and the Panel may therefore order such relief without considering the substantive aspects of the dispute. In this case, a third Party asserts that it or "TCFX" is the owner of the disputed domain name. It has not consented to the transfer. In view of such assertion, the Panel will consider the merits of the dispute. See, for example, *QlikTech International AB v. Alexander Fischer, Theseus-AT*, WIPO Case No. [D2024-4010](#).

As regards Respondent identity in the Decision, the Panel considers the formal Respondent to be the Registrar-confirmed registrant "Amir Jabur". However, the Panel has reviewed the submissions of both the Respondent Amir Jabur and the third Party, and will consider all such submissions in the Panel's findings below.

### B. 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.

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 (here, "fx") 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 Panel finds the first element of the Policy has been established.

### C. 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 for the purposes of the Policy. 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.

To demonstrate rights or legitimate interests in the disputed domain name, a respondent may rely on paragraphs 4(c) of the Policy. In this case, the third Party appears to rely on paragraph 4(c)(i) which states:

“before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services”.

The third Party appears to assert that the current use of the disputed domain name is bona fide. It states: “I can assure you that nowhere on the site it says ‘TRADING CENTRAL’ if not ‘FX’ added to the end. The logo’s[sic] are not alike & I’m willing to change all titles to an abbreviation if necessary to close this case.”

As stated above in the Section 4, the Panel found uses of “Trading Central” without the “FX” on the website at the disputed domain name. The above quoted statement by the third Party is not, in this Panel’s view, correct, and in any event does not address the incorporation of the Complainant’s trademark in the disputed domain name.

Use of a domain name to intentionally trade on the fame of another does not demonstrate rights or legitimate interests in the domain name, and in particular cannot be considered a bona fide offering of goods or services. *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. [D2002-0417](#). In respect of the third element of the Policy, the Panel finds below that the Respondent most likely registered the disputed domain name to take advantage of the Complainant’s reputation. Accordingly, the Respondent cannot be regarded as using the disputed domain name in connection with a bona fide offering of goods or services. Compare *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. [D2017-0481](#).

The Respondent does not appear to rely upon paragraph 4(c)(ii) of the Policy. However, for completeness, the Panel will consider paragraph 4(c)(ii).

There is no evidence that the Respondent or the third Party is commonly known as “tradingcentralfx”. There is also no evidence before the Panel of a legal entity commonly known as “tradingcentralfx”. In fact, the Panel is unable to determine what legal entity operates the website at the disputed domain name or the physical address of that entity. (This also suggests that the website at the disputed domain name is not bona fide.)

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances.

The Panel concludes that the Respondent's use of the disputed domain name is not bona fide offering of goods or services for the purposes of the Policy and thus does not establish that the Respondent has rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established.

#### **D. Registered and Used in Bad Faith**

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark (usually) owned by the complainant.

The evidence shows that the Complainant is well-known in respect of financial information services.

The third Party did not assert that it was unaware of the Complainant at the time the disputed domain name was registered. The Respondent provided no explanation as to why "tradingcentralfx" was selected for the disputed domain name. The disclaimer at the "Terms & Conditions" page (quoted above in Section 4) suggests that the person who created the website at the disputed domain name was aware of the potential for confusion with the Complainant.

While there seems to be an implicit argument by the third Party that the disputed domain name is composed of dictionary terms, the Panel finds the combination of "trading" with "central" in the disputed domain name is a clear reference targeting the Complainant's TRADING CENTRAL mark, with the addition of "fx" (which is a common abbreviation for "foreign exchange") adding to the likelihood of confusion. Broadly speaking, the Complainant and the owner of the website at the disputed domain name are competing in the same field, being the online provision of financial advice and services. The Panel considers it implausible that the Respondent would not have been aware that its selected combination of terms would closely resemble the Complainant's TRADING CENTRAL mark.

The Panel infers that the Respondent registered the disputed domain name because the Respondent was aware of the Complainant and wished to take advantage of the Complainant's reputation.

In addition, the third Party provided no rational explanation as to why the disputed domain name was registered in the name of the Respondent. One potential explanation is that the third Party was trying to hide the details of the true owner of the disputed domain name. The website at the disputed domain name does not disclose such details. In the circumstances of this case, this is also indicative of bad faith registration and use of the disputed domain name.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, affiliation or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

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 <tradingcentralfx.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: March 5, 2025