

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA / Belfius Bank NV v. riviere roland, Belfius-Bk
Case No. D2025-0440

1. The Parties

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

The Respondent is riviere roland, Belfius-Bk, Spain.

2. The Domain Name and Registrar

The disputed domain name <belfius-be.info> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 February 10, 2025.

On February 13, 2024, the Center informed the Parties in French and English, that the language of the registration agreement for the disputed domain name is French. On February 17, 2025, the Complainant requested English to be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

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 in French and English of the Complaint, and the proceedings commenced on February 18, 2025. In accordance with



the Rules, paragraph 5, the due date for Response was March 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 14, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on March 21, 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 renowned Belgian bank with over 5 000 employees and 650 agencies. The Complainant provides financial services mainly in Belgium.

The Complainant is the owner of several registered trademarks including the word BELFIUS to promote its activities and services (the "BELFIUS Trademarks"):

- the European Union wordmark BELFIUS, No. 010581205, registered on May 24, 2012, for products and services in classes 9, 16, 35, 36, 41 and 45;
- the Belgium wordmark BELFIUS, No. 914650, registered on May 10, 2012, for products and services in classes 9, 16, 35, 36, 41 and 45;
- the Belgium semifigurative mark  Belfius, No. 915962, registered on June 11, 2012, for products and services in classes 9, 16, 35, 36, 41 and 45;
- the Belgium semifigurative mark  Belfius, No. 915963, registered on June 11, 2012, for products and services in classes 9, 16, 35, 36, 41 and 45.

The disputed domain name was registered on January 3, 2025, and is inactive.

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 confusingly similar to its BELFIUS Trademarks. The Complainant underlines that the disputed domain name is composed of the BELFIUS Trademarks with the addition of the suffix "be" separated by a hyphen. The Complainant asserts that the adding of this suffix is likely to further increase the potential confusion with its trademarks given that it hints to Belgium where the Complainant conducts its main activities.

Then, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the registration of the BELFIUS Trademarks predates the registration of the disputed domain name. The Complainant explains that it is not associated with the Respondent and that the Complainant has never licensed, approved in any way, or consented to the registration of the disputed domain name. The Complainant asserts that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name since it does not direct to an active website and since there is no evidence indicating the Respondent has made preparations to use the disputed domain name.

Finally, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. Regarding the registration in bad faith, the Complainant highlights that it has registered its trademarks well before the registration of the disputed domain name and that the Respondent should have knowledge of these trademarks given the Complainant's substantial presence on the Internet. Regarding the use in bad faith, the Complainant submits that since the registration of the disputed domain name, the Respondent has

not made any use of it and that this lack of use cannot be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name. The Complainant underlines that there is no evidence of the Respondent's use, or demonstrable preparations to use the disputed domain name nor any evidence that the Respondent is commonly known under the disputed domain name. The Complainant asserts the Respondent is passively holding the disputed domain name in attempting to take advantage of the Complainant's reputation by capturing traffic from Internet users looking for the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is French. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact the Respondent is not based in France but in Spain and that therefore, as a French-speaking person residing in Spain, the Respondent must necessarily be confronted on a daily basis to English.

The Respondent did not make any submissions with respect to the language of the proceedings.

The Panel notes that there is no evidence, other than the language of the registration agreement, that the Respondent is a French-speaking person. The Panel also notes that the Respondent appears to reside in Spain where neither French nor English is the native language. The Panel, furthermore, notes that the Respondent did not respond to the Complainant's contentions.

Prior UDRP panel decisions have also found that the lack of response of the respondent and lack of objection to the proceedings being conducted in another language are among the factors that may justify the proceedings being conducted in the different language than the one of the registration agreement (see *Volkswagen AG v. Song Hai Tao*, WIPO Case No. [D2015-0006](#) and *Volkswagen AG v. Nowack Auto und Sport - Oliver Nowack*, WIPO Case No. [D2015-0070](#)).

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

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 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, the letters “be” corresponding to a country code for Belgium and a hyphen, 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.

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.

Indeed, it appears the Complainant has never authorized the Respondent to register the disputed domain name and that the Respondent is not commonly known by the disputed domain name nor by “Belfius-Bk” (being the registrant organization identified in the registration details of the disputed domain name). Rather, noting also the addition of the letters “be” in the disputed domain name which correspond to the country code for Belgium, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with the Complainant, possibly in connection to a planned impersonating or fraudulent use of the disputed domain name.

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 Respondent registered the disputed domain name well after the registration of the Complainant’s BELFIUS Trademarks. The Panel notes that the term “BELFIUS” is a fanciful term which does not have any direct meaning. Therefore, there is a high chance the Respondent has deliberately targeted the Complainant when registered the disputed domain name. This is further

demonstrated by the information provided by the Respondent when registering the disputed domain name which includes the registrant organization “Belfius-Bk” which directly refers to the Complainant and its banking activities.

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.

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.

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 <belfius-be.info> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: April 2, 2025