

ADMINISTRATIVE PANEL DECISION

Marex Group Plc v. Klei Stonings
Case No. D2025-0580

1. The Parties

The Complainant is Marex Group Plc, United Kingdom ("UK"), internally represented.

The Respondent is Klei Stonings, UK.

2. The Domain Name and Registrar

The disputed domain name <marexcfd.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 13, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 24, 2025.

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 February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 18, 2025.

The Center appointed Catherine Slater as the sole panelist in this matter on March 24, 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 company registered in England and Wales and offers financial services such as brokerage, exchange and trading services. The Complainant trades as “Marex” and operates a website at “www.marex.com”. The Complainant relies upon the following registered trademark for the purposes of this Complaint:

- European Union Registration 15025836 for MAREX (word mark) registered on June 20, 2016 (“the Complainant’s Trademark”)

The Respondent is an individual with an address in the UK. The disputed domain name was registered on November 7, 2024.

The Complainant’s evidence shows that on January 8, 2025, the disputed domain name pointed to a website (the Respondent’s Website) that contained:

- a large header stating “The Home of Independent Broking”;
- information to the effect that the service offered is membership of a network of insurance brokers;
- a footer purporting to contain the Respondent’s company information, Marex CFD, including a company registration number that is actually for a different company which has been dissolved since 2014, a statement that the Respondent is regulated by the Financial Conduct Authority (“FCA”) (the regulatory body for financial services firms and markets in the UK) and an FCA registration number that does not exist.

At the date of this Decision, the disputed domain name does not resolve to any active website.

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 confusingly similar to the Complainant’s Trademark because the Complainant’s Trademark is a distinguishable part of the disputed domain name and the term “cfd” stands for “contract for difference” which is a type of derivative product offered in the financial services industry.

The Complainant further contends that the Respondent has no rights or legitimate interest in respect of the disputed domain name because it has no rights in the Complainant’s Trademark, there is no evidence of a bona fide offering of goods or services (and in fact the Respondent’s website is a mala fide offering of services due to inconsistencies and false statements about its alleged business including the false claim to be regulated by the FCA), the Respondent has not been commonly known by the disputed domain name (since there is no record of any known business under the name Marex CFD and the company number used relates to an entirely different and long dissolved company) and the Respondent is offering services which is clearly a commercial activity.

The Complainant contends that the disputed domain name was registered and is being used in bad faith in contravention of paragraph 4(b)(iv) of the Policy. The Complainant says that the disputed domain name has caused actual confusion since it has received queries as to whether it is connected to the disputed domain name. It further contends that the Respondent has sent a communication to consumers fraudulently using the Legal Entity Identifier belonging to a subsidiary of the Complainant as well as a communication using the Complainant’s Milan office address.

B. Respondent

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

6. Discussion and Findings

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.

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, "cfd", 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.

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 has registered the disputed domain name incorporating the Complainant's Trademark MAREX, an invented word, combined with the term "cfd" which stands for a "contract for difference" which is a type of financial product. Since the Complainant is a financial services company, the Panel infers that the Respondent registered the disputed domain name with the Complainant in mind.

The Respondent has used the disputed domain name for the Respondent's Website, the offering on which (a purported membership network for insurance brokers) is inconsistent with the disputed domain name itself which, as previously stated, refers to a financial product. The Panel's view is that an Internet user visiting the website briefly (i.e., without reading the information regarding the purported membership network) will be misled not just by the disputed domain name itself but by the large heading, "The Home of Independent Broking", into believing that the website is offering brokerage services, i.e., the Complainant's brokerage services. As noted above, the Respondent's Website also contains false company information and a false claim to be regulated by the FCA which is presumably designed to further lend it an air of legitimacy.

In the present circumstances, the Panel agrees with the Complainant that paragraph 4(b)(iv) of the Policy applies as the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name, by creating a likelihood of confusion with the Complainant's Trademark as to the source of the Respondent's Website. Indeed, the Respondent appears to attempt to falsely portray in some form of affiliation with the Complainant, with a view to financial gain, and that relies on confusion with the Complainant's Trademark.

The Panel has placed no reliance on the Complainant's statements regarding the Respondent's alleged communications that are unsupported by evidence.

At some point after January 8, 2025, the Respondent has ceased use of the disputed domain name for an active website.

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 of the Complainant's Trademark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use and indeed the Respondent's prior bad faith use 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 <marexcfd.com> be cancelled.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: April 7, 2025