

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA / Belfius Bank NV v. Whois Agent, Netlify Inc
Case No. D2025-0826

1. The Parties

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

The Respondent is Whois Agent, Netlify Inc, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <belfius-direct-be.info> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 27, 2025. On February 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 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 a first amended Complaint on March 10, 2025. On March 13, 2025, the Center requested the Complainant to rectify certain information in the Complaint. On the same day, the Complainant filed a second amended Complaint.

The Center verified that the Complaint together with the amended Complaints 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 March 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on April 16, 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 state-owned Belgian bank and financial services provider with more than 5,000 employees and over 650 agencies, which focusses on the Belgian territory.

The Complainant is the owner of several trademark registrations for BELFIUS, including :

- Benelux trademark BELFIUS with registration number 914650 of May 10, 2012, for goods and services in classes 9, 16, 35, 36, 41 and 45; and
- European Union trademark BELFIUS with registration number 010581205 of May 24, 2012, for goods and services in classes 9, 16, 35, 36, 41 and 45.

The Complainant is also the owner of many domain names which include the BELFIUS trademarks, such as <befius.be> and <belfius.com> which resolve to the Complainant's official website and to a website intended for institutional partners and journalists, respectively.

The disputed domain name was registered on January 28, 2025. The disputed domain name is passively held.

According to the Complainant, it was unable to contact the Respondent directly, and the Complainant therefore sent a cease-and-desist letter to the Registrar on February 3, 2025, to request suspension of the website and to request the Respondent to transfer the disputed domain name to the Complainant. However, this was to no avail.

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 partially identical to the Complainant's BELFIUS trademarks with the addition of the prefix "be" separated by a hyphen, which is likely to further increase the potential confusion with the Complainant's trademark, given that the Complainant is a reputable bank established in Belgium. Furthermore, the word "direct" as an additional element of the disputed domain name may cause confusion, as the Complainant's website, where customers can connect and access their accounts, is called Belfius Direct Net.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant has not licensed, approved or in any way consented to the Respondent's registration and use of the BELFIUS trademarks in the disputed domain name, and the Respondent did not use the disputed domain name in connection with a bona fide offering of goods or services.

According to the Complainant the disputed domain name was registered in bad faith, because the Complainant's BELFIUS trademarks had been registered well in advance of the registration of the disputed domain name and have a reputation, and if the Respondent had conducted some good faith searches before registering the disputed domain name, it would have readily found reference to the Complainant and appreciated the likelihood of confusion between the disputed domain name and the Complainant. Moreover,

according to the Complainant it is evident that the Respondent had or should have had knowledge of the Complainant's BELFIUS trademark and business at the time when it registered the disputed domain name, so that it is not conceivable that the disputed domain name has been registered by the Respondent without having the Complainant and the Complainant's products in mind.

The Complainant further alleges that the disputed domain name is being used in bad faith because the disputed domain name is passive held, which can neither be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue in the sense of paragraphs 4(c)(i) and (iii) of the Policy. According to the Complainant, the passive holding or non-use of the disputed domain name is supporting the finding of bad faith, since the disputed domain name mainly consists of the Complainant's BELFIUS trademark, the provision of incomplete contact details and the impossibility to conceive any plausible actual or contemplated active use of the disputed domain name by the Respondent that would be in good faith.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (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.

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 BELFIUS trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 BELFIUS trademark is reproduced in its entirety within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the BELFIUS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, in this case “-direct-be”, 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 name and the BELFIUS trademarks for the purposes of the Policy.

[WIPO Overview 3.0](#), section 1.8.

Consequently, 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.

The Complainant contends that the Respondent is not commonly known in connection with the disputed domain name and was not licensed or otherwise authorized by the Complainant to use the BELFIUS trademark as part of a domain name. The Panel moreover notes the composition of the disputed domain name which naturally leads to an inference of affiliation with the Complainant. The Panel finds that the Complainant has made out a prima facie case, calling for an answer from the Respondent. The Respondent has, however, not responded and the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the intentionally confusingly similar disputed domain name. The Panel accordingly finds that the Respondent has no rights or legitimate interests in respect 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 agrees with, inter alia, the panel in *Belfius Bank SA / Belfius Bank NV v. aanvraag indienen and ronald lady*, WIPO Case No. [D2023-2660](#), that the BELFIUS trademarks are distinctive and have “a solid reputation in their core market”. The composition of the disputed domain name including the highly distinctive BELFIUS trademark, the term “be” as the generally known country code for Belgium where the Complainant operates, and the term “direct” which, in combination with the Complainant’s trademark, seems to allude to the Complainant’s use of “Belfius Direct Net” as the name of the website where its customers can access their accounts, leads the Panel to believe that the Respondent must have been aware of the BELFIUS trademarks and the Complainant’s activities when registering the disputed domain name. The Panel is therefore satisfied that the disputed domain name was registered in bad faith.

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. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the

respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel finds that in the circumstances of this case, and especially noting the high degree of distinctiveness of the BELFIUS trademark, the Respondent's provision of incomplete contact details, which prevented the courier from delivering the Center's written communication, and its failure to respond to the Complainant's cease-and-desist letter and to the present Complaint, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Accordingly, the third element of the Policy has also been established.

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-direct-be.info> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: April 29, 2025