

ADMINISTRATIVE PANEL DECISION

NORKORZ CAPITAL Société anonyme v. Jean-Claude Huvet
Case No. D2025-0883

1. The Parties

The Complainant is NORKORZ CAPITAL Société anonyme, Luxembourg, represented by Neomark Sàrl, LAIDEBEUR & PARTNERS, Luxembourg.

The Respondent is Jean-Claude Huvet, France.

2. The Domain Name and Registrar

The disputed domain name <norkorzcaptitalsarl.com> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 4, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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 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 March 10, 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 March 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 1, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on April 9, 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 Luxembourg financial company, active in the investment and finance sector, registered in the Luxembourg Trade Register on December 4, 2017 under number B219718. The Complainant states that it does not operate a website for its business. On December 29, 2021, Luxembourgish entities affiliated to the Complainant named NORKORZ PRIVATE EQUITY and NORKORZ REAL ESTATE (each, a “Société en commandite simple”) were created under company numbers B262755 and B262754 respectively.¹

The Complainant was initially established under the name NORKORZ CAPITAL Sàrl, the legal form of which was a limited liability company (“Société à Responsabilité Limitée”, or “Sàrl”). On February 27, 2018, the Complainant transformed into a public limited company (“Société Anonyme”, or “SA”), retaining the same name and registered office as it had listed at incorporation. On February 3, 2025, the Complainant notified the Luxembourg Trade Register that it had changed its registered office address.

The Complainant is the owner of Benelux Registered Trademark Number 1520367 for the word mark NORKORZ CAPITAL, registered on March 3, 2025, in Class 36. The Complainant also contends that it is the holder of a European Union registered trademark, but the Panel has noted that the mark cited by the Complainant (European Union Trade Mark filing number 019149859) remains at application stage and has been published, but has not yet proceeded to grant.

Little is known concerning the Respondent, which has not participated in the administrative proceeding, other than that it appears to be a private individual based in France. The disputed domain name was registered on November 28, 2024. The website associated with the disputed domain name purports to be an official website of the Complainant, using the Complainant’s former corporate name NORKORZ CAPITAL Sàrl, quoting an identical year of founding, and listing the Complainant’s former registered office address in Luxembourg, but with a different telephone and email address. Notably, said website states “Norkorz Capital est situé à Luxembourg, offrant des conseils financiers sur mesure depuis 2017” (“Norkorz Capital is located in Luxembourg, offering tailored financial advice since 2017”). This statement describes the Complainant and does not describe the Respondent. Evidence from a related social media page on “Facebook”, quoting the disputed domain name, claims that the page owner engages in the provision of financial advice, again listing the Complainant’s former registered office as its address, together with a contact email address at the disputed domain name. Posts on this page dating from February 2025, appear to promote cryptocurrency investments. An entry on the “Google” search engine shows the disputed domain name again being associated with the Complainant’s former registered office address, noting “Head Office in Luxembourg” accompanied by alleged positive reviews, suggesting that the Respondent has registered the disputed domain name with that search engine.

The Complainant provides evidence that a third-party company named Norkorz Capital (a “Société par actions simplifiée unipersonnelle”, or “SASU”) was registered with the French Companies Register on February 24, 2025 for the stated activities of digital marketing and online publicity. While the Respondent is also apparently based in France, the Panel has seen nothing else to connect the Respondent or the website associated with the disputed domain name with this third-party company, which in any event has its registered office in France, neither does its registration suggest that it is engaged in the investment and finance sector.

¹The Panel verified this data from the official website of the public register concerned, as the Complainant had inadvertently duplicated the entry for Norkorz Real Estate in its Annex 6, despite making reference to both entities in its submissions. On the subject of the Panel consulting such public registers by way of independent research, see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.8.

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 it has established rights over the name and mark NORKORZ CAPITAL dating back to 2017, adding that the disputed domain name is almost identical to the Complainant's trademark rights, almost identical to the Complainant's commercial and trade name, and identical to the former company name of the Complainant combined with its legal form.

The Complainant asserts that it has exclusive trademark rights in the NORKORZ CAPITAL mark, adding that this has no meaning other than the Complainant's trade name, trademarks, and related activities. The Complainant notes that trademark searches have not revealed any marks belonging to the Respondent corresponding to the disputed domain name, and that company searches have revealed that no corresponding company names other than those of the Complainant are registered in Luxembourg, even though the website associated with the disputed domain name exclusively refers to a Luxembourgish location. The Complainant notes the existence of the third-party French company described in the factual background section above, and asserts that the Respondent does not appear to be linked to this entity in any way, adding that the Complainant has never licensed nor otherwise permitted the Respondent to use the name NORKORZ CAPITAL or to apply for any domain name incorporating its name and trademark rights. The Complainant submits that the Respondent is not and has never been known by the disputed domain name.

The Complainant contends that the disputed domain name was registered for the purposes of identity theft, and in order to appropriate the Complainant's identity and rights, adding that the name is particularly original and uncommon, such that this cannot be a mere coincidence, and that the Respondent operates a website where it is trying to impersonate the Complainant. The Complainant notes that the Respondent has reproduced the Complainant's exact former contact details on said website but with a different telephone number and email address, using the Complainant's identity as a front for unlawful activities, and to attract the Complainant's clients, or to divert its customers. The Complainant adds that the public who use the disputed domain name will be deceived by the fact that it and the associated website appear to relate to the Complainant, and said website offers the same financial consulting and investment activities as are offered by the Complainant, adding that there is a clear intention to mislead the public via the "Facebook" page and related positive reviews.

The Complainant asserts that its submissions and evidence show that the registration of the disputed domain name was made in bad faith, and excludes any association with the alleged French company, which has a different legal form, different corporate purposes, and different registered address from those being claimed by the Respondent. The Complainant adds that the Respondent's activities under the disputed domain name will divert its customers and damage its business, as reputation and reliability are essential qualities in the Complainant's field of activity.

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 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, "sarl" 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 notes that the Complainant also claims rights in its corporate name dating back to 2017, effectively a claim of unregistered trademark rights in such name, as "the well-known name under which the Complainant is known to its partners, customers and the public". This is, however, a conclusory allegation that is not supported by evidence of secondary meaning. Specific evidence supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning. [WIPO Overview 3.0](#), section 1.3.

Nevertheless, the section goes on to note that the fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier. Here, the Panel considers that the Complainant has successfully shown that the content on the website associated with the disputed domain name targets the Complainant through impersonation by its adoption of both the Complainant's former corporate name and its former registered office address. The Panel accepts that this, coupled with the fact that the Complainant has been using its name in commerce for a period of over eight years, is sufficient for it to find that the Complainant also possesses unregistered trademark rights in the mark NORKORZ CAPITAL, for the purposes of the Policy, which predate the registration date of the disputed domain name (albeit that such predating is not necessary for the Panel's finding under the first element of the Policy. It is, however, relevant to the second and third element assessments as will be discussed below).

It is well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not need to be taken into consideration on the question of identity or confusing similarity under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

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 notes that the Complainant's registered trademark post-dates the registration date of the disputed domain name by a few months. Nevertheless, as discussed in the preceding section, the Panel considers that the Complainant possesses unregistered trademark rights, for the purposes of the Policy, predating the date of registration of the disputed domain name, as affirmed by the content of the website associated with the disputed domain name (and the content of the related "Facebook" social media page, and "Google" entry) which is clearly intended to target the Complainant by impersonation, and therefore demonstrates that the Respondent itself is operating on the basis that the Complainant's name was already acting as a source identifier of the Complainant's services by the date of registration of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, most probably for fraudulent purposes, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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 notes that the Respondent registered an exact match of the Complainant's former corporate name in the disputed domain name. It then pointed this to a website that impersonates the Complainant by making reference to the Complainant's former registered office, claiming a founding date matching that of the Complainant, and specifying that it is located in Luxembourg when the only company by that name in Luxembourg is the Complainant (now under a different legal status as S.A. rather than Sàrl). Although this activity predated the registration date of the Complainant's trademark by a few months, it is clear that the Respondent regarded the Complainant's corporate name as a source identifier of the Complainant's services, in that it is precisely this name and identity in which it has attempted to cloak itself. In these circumstances, the Panel finds that the disputed domain name was registered in the knowledge of the Complainant's (then unregistered) trademark with intent to target the same.

The Panel regards the fact that a third-party company has recently been registered in France under a similar name to that of the Complainant and the fact that the Respondent is allegedly also based in France to be irrelevant for present purposes. The Panel appreciates the Complainant's candor in bringing this matter forward, although it would be for the Respondent to make any case thereby, which it has not attempted to do. Even if the Respondent had any connection to the third party company, which is not apparent from the records produced by the Complainant, said company could not have legitimately put itself forward as having a legal status that matched the Complainant's former legal status rather than its own, nor legitimately state that it was based in Luxembourg (at the Complainant's former registered office address) if it is not, nor legitimately publish website content bearing to be the website of the Complainant relating to the same

services as those which the Complainant provides.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, presumably for fraudulent purposes constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Respondent has failed to file a Response and has offered neither submissions nor evidence which might have suggested any good faith reason for its registration and use of the disputed domain name. The Complainant's allegations regarding the use of the disputed domain name to impersonate the Complainant, most probably for the purposes of fraud, are serious in nature and call for an answer from the Respondent which is absent in this case. The Panel has not identified any possible case, regarding registration or use in good faith, which the Respondent might have brought forward on this topic.

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 <norkorzcaptitalsarl.com> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: April 23, 2025