

ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat, Luxembourg v. Ryan Stanford
Case No. D2025-2082

1. The Parties

The Complainant is Banque et Caisse d'Epargne de l'Etat, Luxembourg, Luxembourg, represented by Office Freylinger S.A., Luxembourg.

The Respondent is Ryan Stanford, United States of America.

2. The Domain Name and Registrar

The disputed domain name <spuerkeess.info> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 26, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 / Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 May 30, 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 June 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 24, 2025.

The Center appointed Catherine Slater as the sole panelist in this matter on June 30, 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 Luxembourgish company incorporated in 1989. It provides banking, insurance and financial services.

The Complainant owns a number of trademark registrations for SPUERKEESS including:

- European Union Registration No. 009110552 for the word mark SPUERKEESS, registered on November 2, 2010;
- Swiss Registration No. 615157 for the word mark SPUERKEESS, registered on May 10, 2011; and
- United Kingdom Registration No. UK00909110552, for the word mark SPUERKEESS, registered on November 2, 2010.

The Complainant operates a website at “www.spuerkeess.lu”.

The disputed domain name was registered on March 31, 2025.

At the date of filing of the Complaint, the disputed domain name resolved to a website (the Respondent’s Website) upon which appeared the statements, “Account Suspended”, “This Account has been suspended” and “Contact your hosting provider for more information.” The words “contact your hosting provider” were a hyper-link which, when clicked, generated a pop-up e-mail template addressed to an account ending “[...]@spuerkeess.info”.

At the date of this Decision, the disputed domain name did not resolve to any 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 disputed domain name is identical to the SPUERKEESS trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not affiliated with the Complainant in any way, has not been authorised to register/use the Complainant’s trademarks in any way, the identity of the disputed domain name to the SPUERKEESS trademark makes it impossible for the Respondent to develop any legitimate activity in connection with the disputed domain name and on-line searches show that the Respondent has no rights in the term SPUERKEESS.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that it is implausible that the Respondent was unaware of the Complainant’s trademark when he registered the disputed domain name since the trademark is distinctive and well-known worldwide. The Complainant further contends that the use of the disputed domain name is abusive within paragraph 4(b)(iv) of the Policy or because the primary motive in registering and using the domain name was for phishing purposes.

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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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, as discussed below, that the disputed domain name has likely been used for the purpose of a phishing scam or other type of fraud.

Panels have held that the use of a domain name for illegal activity (here, claimed phishing) 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

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In order to demonstrate that the disputed domain name was registered in bad faith, the Complainant must show that the Respondent knew, or should have known, of its trademark. The Panel understands that "spuerkeess" means "savings account" in Luxembourgish, which term is therefore descriptive of a product offered by the Complainant. The record also shows that the trademark is well known, at least generally within Luxembourg and within the financial sector outside Luxembourg. Given that the trademark is well known, that the disputed domain name reproduces the trademark identically and that the Respondent has provided no explanation for its selection of the disputed domain name, the Panel infers that the Respondent registered the disputed domain name with the SPUERKEESS trademark in mind, and with the intention of profiting from, or otherwise exploiting, that trademark.

The Respondent directed the disputed domain name to a website, the wording upon which suggested that the website itself had been suspended. However, the Panel notes that the Complainant has provided evidence that, prior to the filing of the Complaint, the disputed domain name resolved to a webpage displaying the Complainant's trademark and logo together with a phishing alert and providing a contact phone number for users who suspect to have been a victim of a phishing attack.

In other words, the Respondent attempted to pass itself off as the Complainant in order to trick Internet users into contacting the Respondent. This behaviour together with the fact that (i) the SPUERKEESS trademark is used for banking services which type of business is notoriously often targeted by phishing scams and other fraudulent behavior, (ii) the identity of the disputed domain name to the SPUERKEESS trademark and (iii) the failure of the Respondent to answer the serious allegation made and to explain the use being made of the disputed domain name, the Panel infers that that the Respondent registered and is using the disputed domain name in bad faith. Furthermore, the current passive holding of the disputed domain name does not prevent a finding of bad faith in the circumstances of this case.

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 <spuerkeess.info> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: July 14, 2025