

ADMINISTRATIVE PANEL DECISION

ETEX N.V, ETEX Services N.V v. zee porter, zeeimporters
Case No. D2025-2107

1. The Parties

Complainant is ETEX N.V., ETEX Services N.V, Belgium, represented by Abion GmbH, Switzerland.

Respondent is zee porter, zeeimporters, Norway.

2. The Domain Name and Registrar

The disputed domain name <etexgruop.com> (hereinafter “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2025. On May 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 29, 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 / Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 6, 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 Respondent of the Complaint, and the proceedings commenced on June 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 8, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on July 14, 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.

Preliminary Procedural Ruling Regarding Consolidation of Complaints

The Complaint identifies two companies as Complainants. ETEX N.V. owns the trademark registrations identified below for the ETEX trademark (hereinafter sometimes the “Mark”). Its subsidiary ETEX Services N.V. participates in the management of trademark and domain names matters regarding the ETEX group (Annexes 1 and 2). Complainants ETEX N.V. and ETEX Services N.V. are related companies that, along with other related companies, are sometimes referred to as the ETEX Group. See, e.g., <www.etexgroup.com>.

Complainants’ ETEX N.V. and ETEX Services N.V. share legal rights and have a common grievance under the Policy. It would be equitable and procedurally efficient to consolidate their complaints. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”), section 4.11.1. Accordingly, the Panel approves the consolidation of their complaints and will in the remainder of this decision refer to co-Complainants as simply “Complainant.”

4. Factual Background

Complainant manufactures and sells building materials, including plasterboard, fibre cement, insulation, and fire protection and glass products. Complainant and related companies employ over 13,500 people in over 160 sites around the world.

In 2023, Complainant and related companies received revenue of EUR 3.8 million.

Complainant owns trademark registrations in for the Mark in many jurisdictions, including:

- European Union registration number 18511167 (registered November 18, 2021); and
- United States registration number 6303449 (registered March 30, 2021).

Complainant also owns several domain names containing the Mark, including <etexgroup.com>, <etexgroup.eu> and <etexgroup.no>.

The Disputed Domain Name was registered on April 8, 2025. The Disputed Domain Name at one point redirected to <google.com>, but at the time of this decision displays a message stating that the site has been suspended.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant contends that Respondent’s organization, Zeeimporters, is not a registered company in Norway, its purported location. Moreover, Complainant’s Internet searches have not been able to find any evidence that Respondent is an existing and authentic person or entity anywhere.

Complainant also contends that the IP address associated to the Disputed Domain Name is listed on several public blacklists for spam.

B. Respondent

Respondent did not respond to the Complaint.

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 Complainant's trademark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

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.

The addition of "gruop" (a misspelling of "group") 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. This is especially true here because, although the trademark registrations in the record do not include "group," Complainant often combines the Mark with "group" to refer to the entire set of its related companies. See e.g., <etexgroup.com>, <etexgroup.eu> and <etexgroup.no>.

Respondent does not avoid a finding of confusing similarity by misspelling "group" as "gruop." "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element." [WIPO Overview 3.0](#), section 1.9.

Accordingly, the Mark is recognizable within the Disputed Domain Name and is confusingly similar 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Respondent has not rebutted Complainant's evidence that the Disputed Domain Name appears on blacklist for spam. When the Panel attempted to visit the Disputed Domain Name, access was blocked because malicious malware was detected. See [WIPO Overview 3.0](#), section 2.13.1.

Given the entirety of Complainant's evidence—notably the misspelling of a term associated with Complainant to create confusion via the Disputed Domain Name, and the absence of a response—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.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. The Panel is not aware of any meaning for the term ETEX in any language and Respondent has not responded to propose a non-trademark meaning. Under these circumstances, the more probable explanation is that Respondent was aware of and targeted Complainant trademark when it registered the Disputed Domain Name.

Respondent's addition of "gruop," which, of course, is "group" misspelled, is further evidence that Respondent was intentionally targeting Complainant, which often refers to its collection of related companies as a the ETEX Group.

The Panel also finds that Respondent has used the Disputed Domain Name in bad faith. Respondent has not associated an active website with the Disputed Domain Name. Panels have found that the non-use of a domain name does not prevent finding 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 Complainant's trademark, and the composition of the Disputed Domain Name (combination of the Mark with "group"). Complainant also offers evidence that Respondent has used a fictitious name to register the Disputed Domain Name. [WIPO Overview 3.0](#), section 3.2.1 (false contact information as evidence of bad faith). The inclusion and misspelling of "group" as "gruop" also supports a finding a bad faith use. It is significant to the Panel that there is no conceivable good faith use for the Disputed Domain Name. Accordingly, the Panel finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent finding bad faith under the Policy.

The Panel finds that 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 <etexgruop.com> be transferred to Complainant.

/Lawrence K. Nodine/
Lawrence K. Nodine
Sole Panelist
Date: July 28, 2025