

ADMINISTRATIVE PANEL DECISION

AXA SA v. Edward Cullen, Crescite Innovation Corporation
Case No. D2025-2329

1. The Parties

The Complainant is AXA SA, France, represented by Plasseraud IP, France.

The Respondent is Edward Cullen, Crescite Innovation Corporation, United States of America ("United States"), self-represented.

2. The Domain Name and Registrar

The disputed domain name <axatoken.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 17, 2025. On June 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 amendment to the Complaint on June 20, 2025.

The Center verified that the Complaint together with the amendment to the 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on July 17, 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.

The Respondent emailed the Center on July 27 and 29, 2025.

4. Factual Background

The Complainant is part of an international group of companies that has supplied insurance and related services under the AXA mark since 1985. The group currently has some 154,000 employees worldwide.

Since 2023, the Complainant's group has developed services relating to crypto-currency and blockchain technology, including tokenized securities.

The Complainant owns many registered trade marks for AXA including International Registration No. 490030 registered on December 5, 1984, in classes 35, 36, and 39.

The Complainant operates a website at "www.axa.com".

The disputed domain name was registered on May 9, 2025.

As of June 5, 2025, the disputed domain name resolved to a Registrar parking page with pay per click ("PPC") links including to car insurance providers competing with the Complainant.

The Complainant sent a legal letter to the Respondent on June 3, 2025. The Respondent replied on the same date. See section 5B below.

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, on June 3, 2025, the Respondent sent a detailed letter rebutting the Complainant's legal letter. Notably, the Respondent contended as follows:

- the Respondent lawfully acquired the disputed domain name in good faith at a time when the Complainant had no known commercial operations or registered trade marks specific to blockchain technologies, smart contracts, or tokenized financial infrastructure;
- the Respondent's platform, "AXAToken", exists in the Web3 space as a decentralized token protocol and is limited to blockchain-native assets, with an entirely different class of services, technological architecture, and audience to those relating to the Complainant's traditional insurance business;
- the Complainant's trade marks do not automatically confer rights in the digital asset or tokenisation space under classes 9, 36 (Web3), or 42;
- the Respondent does not market "AXAToken" as an insurance product, nor in any way that references the Complainant, and there is no evidence that reasonable users would confuse a blockchain-based financial protocol with a multinational insurer;
- the Respondent's visual identity, mission, codebase and communication materials are entirely distinct, and its user base, which is educated in Web3, is unlikely to conflate the two entities;

- the Respondent has independently developed “core intellectual property”, “including smart contract mechanisms, staking logic, governance infrastructure, and digital payment integration”, that is protectable under copyright and patent law and any effort by the Complainant to block or seize the Respondent’s platform would raise reverse-infringement and misappropriation risks;
- the Complainant would need to license or develop alternative systems if it wished to enter the blockchain or tokenisation space using its name;
- even though the disputed domain name may be DNS-based, it is not presented as or intended to be a traditional commercial website, but rather for exclusive use as a gateway to a Web3-native product as part of a broader decentralized infrastructure, and so the standards of traditional trade mark infringement are inapplicable; and
- the Respondent has not contacted the Complainant or offered to sell the disputed domain name, nor attempted to benefit from the Complainant’s brand recognition; rather, the Respondent’s efforts have been focused on legitimate platform development and community-based technology deployment.

On July 27, 2025, the Respondent sent a further email to the Center stating: “You can release this domain. We don’t want it or need it [...]”

On July 29, 2025, the Respondent sent multiple emails setting conditions for transferring the disputed domain name and indicating that the Respondent intended to protect its own intellectual property rights.

6. Discussion and Findings

6.1 Preliminary Issue

Consent to Remedy

The Respondent indicated in its email of July 27, 2025, that it consents to the transfer of the disputed domain name to the Complainant without the need for a decision by the Panel.

Many panels will order transfer solely on the basis of a consent to transfer by the respondent on the record, but panels may still find it appropriate to proceed to a substantive decision on the merits in certain circumstances. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.11.

In this case, the Panel has decided to proceed to a substantive determination because: (i) the Panel finds a broader interest in recording a substantive decision on the merits – e.g., so that other future UDRP can take the matter into account when considering whether there is a pattern of bad faith conduct under 4(b) of the Policy; (ii) the Complainant has not agreed to accept such consent and has expressed a preference for a recorded decision; (iii) the Respondent offered its consent only four days before the decision due date; and (iv) the Respondent later set specific conditions for transferring the disputed domain name.

6.2 Substantive Issues

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

The Complainant has shown rights in respect of a trade mark 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.

In its pre-action letter, the Respondent questioned the ambit of the Complainant's registered trade marks but neither the goods and/or services for which the mark is registered or used, nor the date of registration or claimed first use are considered relevant to the first element test, although these factors may be relevant under the second and third elements. [WIPO Overview 3.0](#), section 1.1.2.

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 recognised 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.

As to paragraph 4(c)(i) of the Policy, the disputed domain name has been used for a parking page with PPC links to services that compete with those supplied by the Complainant. Use of a domain name to host PPC links that compete with or capitalise on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users does not represent a bona fide offering. [WIPO Overview 3.0](#), section 2.9.

The Respondent's pre-action letter claimed that the Respondent had registered the disputed domain name in connection with its alleged "AXAToken" platform that "exists in the Web3 space as a decentralized token protocol". However, the Respondent has not provided evidence of such use. If the Respondent wished to rely on future plans, it ought to have filed a Response with clear contemporaneous evidence of bona fide pre-complaint preparations predating the respondent's notice of the dispute that went beyond a mere statement of a claimed intention. [WIPO Overview 3.0](#), section 2.2.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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 Panel's view, by using the disputed domain name that includes the Complainant's distinctive trade mark, in connection with a parking page with PPC links relating to the Complainant's industry, the Respondent has intentionally created a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.5.

Furthermore, 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 this regard, the Panel notes the following:

First, the Complainant's mark is distinctive and well-known.

Second, as mentioned under the second element above, the Respondent has not appeared in this proceeding to supply any evidence confirming the existence of the Respondent's alleged Web3 project, referred to in the Respondent's pre-action letter and later email communications.

Third, non-use of the domain name (i.e., assuming there had been no parking page) would not have prevented a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Fourth, not only do the Respondent's letter and email communications not deny the Respondent's awareness of the Complainant, but they put forward no explanation for its selection of the word "axa" in the disputed domain name. Instead, the letter focuses mainly on issues relating to trade mark infringement, the alleged differences between the Parties' respective offerings/industries, and bald denials of any likelihood of confusion.

Fifth, the Respondent has engaged in a pattern of bad faith conduct, having been subject to an adverse finding by this Panel in another UDRP case involving a domain name comprising a well-known trade mark plus the word "token". See *Molson Canada 2005, Coors Brewing Company, Molson Coors Beverage Company v. Edward Cullen, Crescite Innovation Corporation*, WIPO Case No. [D2025-2240](#), regarding <molsoncoorstoken.com>.

Finally, as to the claim in the Respondent's letter that any effort by the Complainant to "block" or "seize" the Respondent's platform would involve "reverse-infringement" or "misappropriation" of the Respondent's alleged intellectual property rights in its alleged technologies, the Panel would observe that this proceeding is not concerned with the Respondent's rights in any technologies and that it does not involve any transfer of any technologies to the Complainant. Rather, the case simply relates to the Respondent's registration and use of the disputed domain name (which exists in "Web2", not the Respondent's alleged Web3 space), and to the Respondent's entitlement or otherwise to retain that domain name in circumstances where the Complainant has (justifiably) alleged that the Respondent registered and used it to illicitly target the Complainant's mark.

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 <axatoken.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: July 30, 2025