

## **ADMINISTRATIVE PANEL DECISION**

### **ENAEX Europe v. Landers Quenneville**

### **Case No. D2025-4214**

#### **1. The Parties**

The Complainant is ENAEX Europe, France, represented by Tmark Conseils, France.

The Respondent is Landers Quenneville, Netherlands (Kingdom of the).

#### **2. The Domain Name and Registrar**

The disputed domain name <enaexs.com> is registered with Hostinger Operations, UAB (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 14, 2025. On October 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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 (“IDENTITY UNDISCLOSED”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 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 October 17, 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 October 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 12, 2025.

The Center appointed Levan Nanobashvili as the sole panelist in this matter on November 19, 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 ENAEX Europe, founded in France in 2006. The Complainant is a subsidiary of ENAEX S.A., founded in Chile. The Complainant's group is a global leader in mining blasting services.

The first application for ENAEX trademark was filed in Peru in 1995. Currently, the Complainant's parent company, ENAEX S.A, owns more than fifty trademarks worldwide for ENAEX, including the following:

- 1) the European Union trademark (figurative), registration No. 018748343, registered on April 12, 2023, International Classes 1, 13, 35, 37, 40, and 42;
- 2) the United States of America, registration No. 5370375, registered on January 2, 2018, International Classes 1 and 13; and
- 3) Mexico, registration No. 1531662, registered on April 22, 2015, duly renewed, International Class 13.

The Complainant and its group own multiple domain names incorporating the ENAEX mark, including the following: <enaex.com>, <enaex.eu>, <enaex.co.th>, <enaex.asia>, and <daveybickfordenaex.com>.

The disputed domain name was registered on October 1, 2025. At the time of the Decision, the disputed domain name does not resolve to an active page. The evidence on file demonstrates that, following registration, the disputed domain name resolved to a default page provided by the Registrar, stating that the domain name was active and inviting the Respondent to build a website. The evidence provided by the Complainant also shows that the disputed domain name was used to send a fraudulent email to the Complainant, which directly imitated the actual email address of an employee of the Complainant.

#### 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:

- (i) the Complainant and its group are leading entities with global reach in mining blasting, promoting their products and services all over the world;
- (ii) ENAEX is not a generic term; rather, it is a distinctive trademark. The Complainant has never licensed or otherwise authorized the Respondent to use ENAEX in any form;
- (iii) there are no legitimate reasons why the Respondent would use ENAEX mark in the disputed domain name;
- (iv) the disputed domain name entirely reproduces ENAEX mark, with the addition of the letter "s" at the end. This is a classic case of typosquatting;
- (v) the Respondent was aware of the existence of the Complainant's prior rights, because the Internet search shows the Complainant's long-term activity under ENAEX mark;
- (vi) the Respondent's knowledge of the Complainant's prior rights is reinforced by the fraudulent email sent by the Respondent to the Complainant on October 1, 2025 (the day of the disputed domain name registration), imitating the actual email address used by the employee of the Complainant. The subject line of the email was "Brazil Payment October." Such conduct confirms the Respondent's bad faith registration and use of the disputed domain name solely for the purpose of phishing. Furthermore, the disputed domain name carries a risk of future use in illegal activity;

- (vii) there is no evidence of a bona fide offering of goods or services by the Respondent under the disputed domain name; and
- (viii) the disputed domain name creates the risk of implied affiliation, potentially conveying to Internet users the false belief that any website would be associated with or endorsed by the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Standing of the Complainant**

The Complainant is ENAEX Europe, a French company. At the same time, ENAEX trademark is owned by its parent, ENAEX S.A., a Chilean company.

The Panel finds it necessary to review the standing of the Complainant.

According to the Complaint, ENAEX S.A. is a shareholder of the Complainant. Moreover, as researched additionally by the Panel, the information on the Complainant group's website ("www.enaex.com") confirms that the Complainant is a subsidiary of the trademark owner in Europe. The Panel may undertake limited factual research into matters of public record if such information is useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

A trademark owner's affiliate such as a subsidiary of a parent or of a holding company is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. [WIPO Overview 3.0](#), section 1.4.1. The Panel finds that the Complainant satisfies this requirement.

### **B. 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.

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. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. [WIPO Overview 3.0](#), section 1.9.

In light of the above, the Panel finds that the addition of the letter "s" in the disputed domain name is the intentional misspelling. Panels have consistently found that the addition of a single letter to a trademark in a domain name constitutes typosquatting (*Groupe ADEO v. Privacy Service Provided by Withheld for Privacy ehf / Ivan Urgant*, WIPO Case No. [D2022-0828](#); *Edmunds.com, Inc v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#); and *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#)).

The addition of the generic TLD (“gTLD”) “.com” is a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. The Panel finds the first element of the Policy has been established.

### **C. 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.

Based on the evidence submitted by the Complainant, the Panel finds that there is no proof that the Respondent has been commonly known by the disputed domain name, has made a legitimate non-commercial use of the disputed domain name, or has used the disputed domain name in connection with a bona fide offering of goods or services.

Panels have held that the use of a domain name for illegal activity, such as 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.

### **D. 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.

It is well-settled case law among the panels that the practice of typosquatting may in itself be evidence of bad faith registration of a domain name (*Confederation Nationale Du Credit Mutuel - CNCM v. Jder Isow*, WIPO Case No. [D2022-3817](#); *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#); and *LinkedIn Corporation v. Daphne Reynolds*, WIPO Case No. [D2015-1679](#)). Since the Respondent failed to provide any evidence to counter this conclusion, the Panel finds that the disputed domain name was registered in bad faith.

Panels have consistently found that the mere registration of a domain name that is confusingly similar to (particularly domain names comprising typos) to a famous trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

At the time of the Decision, the disputed domain name does not resolve to an active webpage. However, the evidence on file demonstrates that, following registration, the disputed domain name resolved to a default page provided by the Registrar, stating that the disputed domain name was active and inviting the Respondent to build a website, and the disputed domain name was used to send a fraudulent email.

Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes, for example, include sending email and phishing. [WIPO Overview 3.0](#), section 3.4.

The evidence on file demonstrates that the Respondent on the date of the disputed domain name registration (October 1, 2025), used the disputed domain name to send a fraudulent email to the Complainant, imitating its employee's actual email address. Given the Respondent's failure to provide any counter arguments, the Panel finds that this targeted phishing attempt conclusively establishes both the bad faith registration and use by the Respondent of the disputed domain name under paragraph 4(a)(iii) of the Policy.

The Panel finds that the use of the disputed domain name to create and transmit a fraudulent email directly imitating the actual email address of the employee of the Complainant demonstrates the Respondent's prior knowledge of the Complainant's rights (*Shepherd and Wedderburn LLP v. Tony Warburton*, WIPO Case No. [D2018-1130](#)).

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 <enaexs.com> be transferred to the Complainant.

*/Levan Nanobashvili/*

**Levan Nanobashvili**

Sole Panelist

Date: December 3, 2025