

ADMINISTRATIVE PANEL DECISION

ETEX N.V., ETEX Services N.V. v. Early Dawn, Early LLC

Case No. D2025-4497

1. The Parties

The Complainants are ETEX N.V., ETEX Services N.V., Belgium, represented by Abion GmbH, Switzerland.

The Respondent is Early Dawn, Early LLC, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <ejexgroup.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 October 31, 2025. On October 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 Complainants on November 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on November 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 the Respondent of the Complaint, and the proceedings commenced on November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 1, 2025.

The Center appointed Zineb Naciri Bennani as the sole panelist in this matter on December 12, 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 Complainants, Belgian companies, are part of a global group offering futureproof lightweight interior and exterior building solutions including fire protection and high-performance insulation established since 1947.

The group employs over 13,500 teammates operating in 45 countries with a total revenue for 2023 exceeding 3 million euros.

The Complainant owns numerous trademark rights including the following:

- International trademark registration ETEX No. 652141, registered on February 1, 1996, for water distribution installations, rubber and other products, and non-metallic building materials in classes 11, 17, 19, and 25;
- International trademark registration ETEX No. 788905, registered on August 28, 2002, for building materials, in classes 6, 11, 17, 19, 35, and 36;
- European Union figurative trademark ETEX No. 17910895, registered on March 19, 2019, for various building and construction materials, in classes 2, 6, 17, 19, 35, 37, and 42; and
- United States trademark ETEX No. 6303449, registered on March 30, 2021, for building and construction materials, in classes 6, 17, and 19.

The Complainant also owns multiple domain names such as: <etexgroup.com> registered on December 9, 1996, and numerous social networks accounts.

The disputed domain name was registered on September 10, 2025, and resolves to an inactive website.

5. Parties' Contentions

A. Complainants

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights.

The Complainants assert that it owns numerous trademarks ETEX registered in numerous jurisdictions many years before creation of the disputed domain name.

According to the Complainants, the disputed domain name incorporates a misspelled version of the Complainants registered and widely known trademark to which the letter "t" has been replaced by the letter "j", which constitutes a typosquatting situation, in order to capitalize on Internet users' possible typing or reading errors.

Moreover, the Complainants contend that the Respondent has no rights or legitimate interests in respect of the domain name as it is not licensed or authorized for the disputed domain name registration, nor is it affiliated to the Complainants.

The Complainants argue that there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

The Complainants assert as well that the Respondent aims at hiding its true identity as it is using a privacy shield service, masking its identity on the publicly available Registrar's WhoIs.

Moreover, according to the Complainants, the disputed domain name has been used in an email address to send a fraudulent phishing email impersonating the Complainants and one of their employees to a third party, aiming at deceiving the recipient to make him/her believe that the fraudulent email was a message sent by one of Complainants' employees.

The Complainants consider that the disputed domain name was registered and is being used in bad faith as the Complainants has a strong presence online and that the Respondent has used the disputed domain name in a phishing scheme.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

The Panel should decide a complaint based on the statements and documents submitted and in accordance with the Policy and Rules, and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that the Complainant must establish each of the following:

- (i) that the disputed domain name registered to the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Preliminary procedural issue - Multiple Complainants

The Complainants requested a consolidation of the proceeding in relation to the disputed domain names on the basis that the Complainants have common legal interest as they are affiliated companies and are represented by a single authorized representative for the purpose of the present proceeding.

On this issue, the Panel refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

In the present proceeding, the Panel is satisfied, based on the fact that the Complainants are affiliated with a common use of the trademark within the companies' names, and therefore, have a specific common grievance against the Respondent.

The Panel finds that it is equitable and procedurally efficient to grant the Complainants' request for consolidation. For the remainder of the decision, the Panel will refer to the Complainants in the singular.

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 Panel finds the mark is recognizable 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 an intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element when the disputed domain name contains sufficiently recognizable aspects of the trademark.

In the present case, the trademark is entirely reproduced within the disputed domain name with the replacement of the letter "t" by the letter "j" and accordingly remains sufficiently recognizable for the purposes of the Policy.

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.

Moreover, the disputed domain name has been used in furtherance of a phishing scheme, which can never support a finding of rights or legitimate interests. [WIPO Overview 3.0](#), section 2.13.

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.

Bad faith occurs while circumstances indicate that the respondent has registered or acquired the disputed domain name to intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

In the present case, the Panel notes that the Respondent used the trademark in sending emails impersonating the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, sending impersonating phishing emails, 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 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 <ejexgroup.com> be transferred to the Complainant.

/Zineb Naciri Bennani/

Zineb Naciri Bennani

Sole Panelist

Date: December 23, 2025