

## ADMINISTRATIVE PANEL DECISION

Etex N.V., Etex Services N.V. v. 陈莉琴 (Li Li)  
Case No. D2025-4510

### 1. The Parties

The Complainants are Etex N.V., Belgium (the “First Complainant”), and Etex Services N.V., Belgium (the “Second Complainant”), both represented by Abion GmbH, Switzerland.

The Respondent is 陈莉琴 (Li Li), China.

### 2. The Domain Name and Registrar

The disputed domain name <etexgroup.xyz> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 31, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 3, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on November 4, 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 in English on November 6, 2025.

On November 4, 2025, the Center informed the Parties, in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On November 6, 2025, the Complainants requested that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 in Chinese and English 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 2, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on December 8, 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 are each part of the Etex group of companies, founded in 1905, which offers lightweight interior and exterior building solutions, including fire protection and high-performance insulation. The group has operations in 45 countries, including China. The First Complainant was established in 1947 and its subsidiary the Second Complainant was established in 1996. They are referred to below jointly and separately as "the Complainant", except as otherwise indicated.

The First Complainant owns trademark registrations for ETEX in multiple jurisdictions, including the following:

- International trademark registration number 652141, registered on February 1, 1996, specifying goods in classes 11, 17, 19, and 25; and
- International trademark registration number 788905, registered on August 28, 2002, designating multiple jurisdictions, including China, and specifying goods and services in classes 6, 11, 17, 19, 35, and 36.

The above trademark registrations are current. The Complainant registered the domain name <etexgroup.com> on December 9, 1996 that it uses in connection with its website, which prominently displays the ETEX mark and provides information about its company group, its products, and its services. The Complainant also holds other ETEX-formative domain names, including <etexgroup.eu> (registered on September 18, 2006) and <etexgroup.cn> (registered on July 27, 2022) (that does not currently resolve to an active website).

The Respondent is an individual based in China.

The disputed domain name was registered on September 6, 2025. It resolves to a webpage hosted by a domain name broker advertising it for sale for USD 3,500.

#### **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 the disputed domain name is confusingly similar to its ETEX mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The disputed domain name has been registered and is being used in bad faith. The Respondent is capitalizing on the Complainant's ETEX trademark, incorporated in the disputed domain name, to obtain a

high financial benefit. Moreover, active Mail Exchange (MX) records are associated with the disputed domain name and a corresponding email address might therefore be used in connection with the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issues - Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is composed of Latin letters and resolves to a webpage in English, while translation of the Complaint into Chinese would create significant additional costs for the Complainant and delay the proceeding.

Despite the Center having sent an email regarding the language of the proceeding, and the notification of the Complaint, in both Chinese and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

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

The burden of proof of each element is borne by the Complainant.

#### **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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the ETEX trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ETEX mark is reproduced within the disputed domain name as its initial element. Despite the addition of the word “group”, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain (“gTLD”) extension (“.xyz”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a webpage hosted by a domain name broker merely offering it for sale. In the Panel’s view, this does not constitute a use in connection with a bona fide offering of goods and services for the purposes of the Policy, nor is it a legitimate noncommercial or fair use. The disputed domain name combines the ETEX trademark with the word “group” and a gTLD extension, which gives rise to a risk of implied affiliation with the Complainant. Yet the Complainant submits that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated with it in any form. Moreover, the Registrar has verified that the Respondent’s name is “陈莉琴” (which may be transliterated as “Chen Liqin”) or “Li Li”, neither of which resembles the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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 record, 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. The first of these circumstances is as follows:

“(i) circumstances indicating that [the Respondent has] registered or [the Respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the Respondent’s] documented out-of-pocket costs directly related to the [disputed] domain name;”

In the present case, the disputed domain name was registered in 2025, many years after the earliest registrations of the Complainant’s ETEX trademark, including one in China, where the Respondent is based. The disputed domain name wholly incorporates the ETEX mark, which is a coined term, and associates it with the word “group” and a gTLD extension, as does the Complainant in the domain name associated with its own website. The Respondent provides no explanation for her choice to register the disputed domain name. Accordingly, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its ETEX mark in mind.

As regards use, the disputed domain name resolves to a webpage hosted by a domain name broker merely advertising it for sale for USD 3,500. The Panel considers this sum to be in excess of the Respondent’s out-of-pocket costs directly related to the disputed domain name. Given this, and the findings in Section 6.2.B above, the Panel finds that the circumstances fall within the terms of paragraph 4(b)(i) of the Policy.

Therefore, 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 <etexgroup.xyz> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: December 17, 2025