

## **ADMINISTRATIVE PANEL DECISION**

Commonwealth Bank of Australia v. Belen Michael  
Case No. D2025-4635

### **1. The Parties**

The Complainant is Commonwealth Bank of Australia, Australia, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Belen Michael, Hong Kong, China.

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

The disputed domain name <commonwealthbank.cloud> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 7, 2025. On November 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 November 14, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 15, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on December 18, 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 an Australian multinational bank with offices in Asia, Europe, New Zealand and North America, offering a range of financial services.

The Complainant was founded in 1911 and has more than 800,000 shareholders and over 55,000 employees.

The Complainant among others owns the Australian Trademark Registration No. 855742 COMMONWEALTH BANK registered on November 3, 2000, for banking and financial services.

The Complainant's is the owner of the domain name <commomnwealthbank.com.au> which was registered on July 9, 2007, and resolves to its principal website "www.commbank.com.au".

The disputed domain name was registered on July 15, 2025, and appears to have been inactive since registration.

#### **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 identical to its trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- the Respondent's registered the disputed domain name with knowledge of its trademark, which constitutes opportunistic bad faith; and
- the Respondent has engaged in a bad faith pattern of registering domain names that misappropriate trademarks of others.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to

succeed on the complaint, namely that:

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

#### **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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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 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 mentioned above, it appears that the disputed domain name has not been used actively. However, this cannot be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the domain name and passive holding, in itself, does not establish any rights or legitimate interests in the disputed domain name.

Moreover, the disputed domain name is identical to the Complainant's trademark and domain name, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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 registration of the disputed domain name, which is identical to the Complainant's trademark and domain name, took years after the Complainant's registration and use of the COMMONWEALTH BANK trademark.

The Respondent defaulted and thus failed to provide any explanation for its inclusion of the Complainant's trademark in the disputed domain name. In absence of any such explanation, the Panel infers on balance, based on the circumstances of this case and the evidence submitted, that the Respondent knew of and targeted the Complainant and its trademark through registration of the disputed domain name. [WIPO Overview 3.0](#), section 4.2.

In addition, the Complainant has produced evidence that the Respondent has engaged in a pattern of registering domain names that – among others – correspond to trademarks in the financial sector, e.g. <paypal-de.store> and <firstcitizensbank.co.com>, which is a conduct expressly forbidden by paragraph 4(b)(ii) of the Policy. The Panel also notes that the Respondent was one of the respondents in the UDRP proceeding relating to registration of domain names corresponding to the trademark of one of the world's largest asset management firms. See *BlackRock Finance, Inc. v. Roman Seidel, Anastasia Ismailova, Eugen Doerr, Steve Jones, Stealles SRV LTL, Belen Michael, Alfons Arndt*, WIPO Case No. [D2025-3239](#).

The fact that the disputed domain name appears to have been inactive since registration does not prevent a finding of bad faith when considering the totality of the circumstances. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark in the financial sector, the composition of the disputed domain name and the Respondent's failure to submit a response. The Panel finds that in these circumstances, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

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 <commonwealthbank.cloud> be transferred to the Complainant.

/Zoltán Takács/

**Zoltán Takács**

Sole Panelist

Date: January 1, 2026