

## **ADMINISTRATIVE PANEL DECISION**

ONEY BANK v. Jose Oscar Martinez, Jose Oscar Martinez  
Case No. D2025-4936

### **1. The Parties**

The Complainant is ONEY BANK, France, represented by BrandShelter, France.

The Respondent is Jose Oscar Martinez, Jose Oscar Martinez, Mexico.

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

The disputed domain names <service-oney.com>, <service-oney.net>, and <service-oney.org> are registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2025. On November 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 27, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 December 2, 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 December 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 29, 2025.

The Center appointed Petra Pecar as the sole panelist in this matter on January 6, 2026. 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, ONEY BANK, is a French company active in the field of consumer credit, electronic payments, and payment card management. Since its establishment in 1983, the Complainant has developed into one of the leading financial partners within the European Union, serving a customer base of approximately 10 million clients.

For the purpose of protecting its commercial activities, the Complainant is the owner of numerous registered marks consisting of the word ONEY, whether alone or in combination with other elements. In particular, the Complainant relies on the following trademark registrations:

- International Trademark (word) ONEY, Registration No. 865742, registered on August 11, 2005, covering goods and services in Classes 9, 36, and 38; and
- International Trademark (word) ONEY, Registration No. 947985, registered on July 11, 2007, covering goods and services in Classes 9, 36, and 38.

The Complainant is further the holder of numerous domain names incorporating ONEY mark, including the domain name <oney.com>, which has been registered since October 12, 2003.

The Complainant contacted the Respondent through the Registrar's contact form regarding the disputed domain name on March 4 and 28, 2025, and September 29, 2025, but the Respondent did not provide any response.

All the disputed domain names were registered on February 25, 2025 and at the time of the Complaint filing, all of them resolved to an inactive webpage.

The Respondent is an individual from Mexico.

#### **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 names.

Notably, the Complainant contends that the disputed domain names <service-oney.com>, <service-oney.net>, and <service-oney.org> consist of the Complainant's ONEY marks combined with the generic term "service". The mark ONEY constitutes the dominant, distinctive, and recognizable element of the disputed domain names. The addition of a generic term "service" that directly relates to the Complainant's field of activity does not serve to distinguish the disputed domain names from the Complainant's ONEY marks, but rather increases the likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the disputed domain names.

The Complainant contends the Respondent has no rights or legitimate interests in the disputed domain names, as the Respondent holds no prior rights in the ONEY marks and lacks any authorization from the Complainant to use such marks. The Complainant further states that the disputed domain names are inactive and are not associated with any bona fide offering of goods or services, nor with any legitimate noncommercial or fair activity. Internet search results link the term ONEY exclusively to the Complainant

and, given the Complainant's reputation, the Respondent could not reasonably have been unaware of the Complainant's prior rights. The Respondent did not respond to the Complainant's attempts to seek clarification through the Registrar's contact form, which further confirms the absence of any rights or legitimate interests in the disputed domain names.

The Complainant asserts that the disputed domain names reproduce the Complainant's ONEY marks, and the Respondent could not have been unaware of the Complainant's prior rights. A quick Internet search would reveal the existence of the ONEY marks. The disputed domain names are passively held without any legitimate use, preventing the Complainant from registering and using them and hindering its online activities. Despite the Complainant's repeated attempts to resolve the matter amicably, the Respondent failed to respond or to demonstrate any good faith use.

## **B. Respondent**

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

## **6. Discussion and Findings**

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant. "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

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

### **6.1 Procedural Issue: Consolidation of Multiple Domains**

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

The Panel notes that the evidence submitted by the Complainant indicates that all of the disputed domain names are owned by and are under the effective control of a single person, namely Jose Oscar Martinez, the Respondent in the present case.

In this respect, the Panel observes that all disputed domain names were registered with the same registrar, Tucows Domains Inc., on the same date, February 25, 2025, by a physical person based in Mexico. The simultaneous registration of the disputed domain names with the same Registrar indicates a coordinated registration process rather than independent actions by unrelated parties.

Furthermore, the Panel notes that all disputed domain names are used in a similar manner, namely through their passive holding. This consistent lack of active use further supports the conclusion that the disputed domain names are subject to common ownership and control.

In addition, all disputed domain names target a single mark, the Complainant's ONEY marks, and follow the same naming pattern. Each disputed domain name consists of a generic term "service" combined with a hyphen and the Complainant's ONEY marks. The disputed domain names differ only in generic Top-Level Domain (gTLD) ".com", ".net" and ".org". The consistency of this structure, together with the same registration date and Registrar, reinforces the conclusion that the disputed domain names were registered as part of a single and coordinated strategy.

Taking into account the above circumstances, the Panel finds that the disputed domain names are owned by and are under the effective control of the Respondent. The Panel further notes that prior decisions have confirmed that consolidation is appropriate in cases where multiple domain names share common registration details, identical patterns of use, and target the same trademark.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding different disputed domain names in a single proceeding.

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

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

Although the addition of other term "service" and a hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, it is well established in prior panel decisions that the gTLD, including ".com", ".net", and ".org", is generally disregarded when assessing whether a disputed domain names are identical or confusingly similar to a complainant's mark see section 1.11 of the [WIPO Overview 3.0](#). Accordingly, the Panel finds it appropriate to disregard the applicable gTLDs when assessing the confusing similarity of the disputed domain names for the purposes of the first element 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 names. 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 names such as those enumerated in the Policy or otherwise.

According to the Complainant, the Respondent is not affiliated with or connected to the Complainant in any manner, nor has the Complainant granted the Respondent any license or authorization to use or register domain names incorporating the Complainant's ONEY marks. The Respondent holds no prior rights in the ONEY mark and has failed to respond to the Complaint, thereby providing no information or evidence that could establish any rights or legitimate interests in the disputed domain names. Furthermore, there is no evidence that the Respondent has made any legitimate or bona fide use of the disputed domain names, whether for commercial or noncommercial purposes, as, at the time the Complaint was filed, the disputed domain names resolved to inactive webpages.

In addition, Internet search results associate the term ONEY exclusively with the Complainant, and given the Complainant's reputation, the Respondent could not reasonably have been unaware of the Complainant's prior rights. The Respondent's failure to reply to the Complainant's attempts to seek clarification further supports the conclusion that the Respondent lacks any rights or legitimate interests in the disputed domain names.

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 names in bad faith.

In the present case, the Panel observes that the disputed domain names consist of a combination of the prefix "service", a hyphen, the Complainant's ONEY marks, and the gTLDs ".com", ".net", and ".org". The addition of the term "service", which refers to the Complainant's business activity, functions merely as a non-distinctive prefix and does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's ONEY mark.

With regard to bad faith, the Panel finds that the Respondent could not reasonably have been unaware of the Complainant's rights in the ONEY marks at the time of registration, which had been registered more than 20 years prior to the registration of the disputed domain names. A simple Internet search would have revealed the existence of the Complainant and its rights. The disputed domain names are passively held without any legitimate use, preventing the Complainant from registering and using them and thereby hindering its online activities. Such conduct is consistent with bad faith use within the meaning of the Policy, in particular as it disrupts the Complainant's business and creates a likelihood of confusion with the Complainant's ONEY marks.

Furthermore, despite repeated attempts by the Complainant to resolve the matter amicably, the Respondent failed to respond or to demonstrate any good faith use of the disputed domain names. In these circumstances, the Panel concludes that the disputed domain names were registered in bad faith.

Panels have found that the non-use of a domain name, including an inactive website displaying a browser error message indicating that the site cannot be reached, would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the

Panel notes the distinctiveness of the Complainant's ONEY marks, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of 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 names <service-oney.com>, <service-oney.net>, <service-oney.org> be transferred to the Complainant.

*/Petra Pecar/*

**Petra Pecar**

Sole Panelist

Date: January 20, 2026