

ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat, Luxembourg v. KUTHY ALAIN
Case No. D2025-5089

1. The Parties

The Complainant is Banque et Caisse d'Epargne de l'Etat, Luxembourg, Luxembourg, represented by Office Freylinger S.A., Luxembourg.

The Respondent is KUTHY ALAIN, France.

2. The Domain Names and Registrar

The disputed domain names <bcee-snet-lu.com>, <bcee-snetlu.com>, and <bcee-snetlu.net> are registered with Porkbun LLC (the "Registrar").

3. Procedural History

The Complaint was filed as regards the disputed domain name <bcee-snetlu.com> with the WIPO Arbitration and Mediation Center (the "Center") on December 8, 2025. On December 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <bcee-snetlu.com>. On December 9, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 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 12, 2025. On December 17, 2025, the Complainant requested to add three domain names <bcee-lu-snet.net>, <bcee-snet-lu.com>, and <bcee-snetlu.net>.

The Center sent an email communication to the Complainant on December 18, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant requested partial withdrawal of the domain name <bcee-lu-snet.net>, and filed an amendment to the Complaint on December 23, 2025.

The Center verified that the Complaint together with the amended Complaint, and the amendment to the 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 January 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 2, 2026.

The Center appointed Rachel Tan as the sole panelist in this matter on February 5, 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, incorporated in 1989, is a Luxembourg company which operates banking services internationally. The Complainant provides retail, corporate and private banking services. BCEE is the widely used abbreviation for the Complainant’s name, Banque et Caisse d’Epargne de l’Etat, Luxembourg. S-NET is the name of the Complainant’s free online and mobile banking service platform, which allows customers to view account and credit card transactions, make payments, send secure messages to the bank, find branches or ATMs and simulate personal or mortgage loans.

The Complainant owns several trade mark registrations for BCEE and S-NET, including:

- European Union Trademark Registration No.009110537 BCEE, registered on November 2, 2010, in Classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45;
- United Kingdom Trademark Registration No.00909110537 BCEE, registered on November 2, 2010, in Classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45;
- Benelux Trademark Registration No.644249 S-NET, registered on August 1, 1999, in Class 36;
- European Union Trademark Registration No.009110644 S-NET, registered on July 1, 2012, in Classes 35, 36, 38, and 41.

The Complainant owns domain names that incorporate its BCEE and S-NET trade marks, <bcee.lu> and <snet.lu>, and has been using both domain names as its official websites.

The disputed domain names <bcee-snet-lu.com>, <bcee-snetlu.com>, and <bcee-snetlu.net> were all registered on July 30, 2025. The disputed domain names <bcee-snet-lu.com>, and <bcee-snetlu.com> resolve to inactive websites, while the disputed domain name <bcee-snetlu.net> resolves to a Registrar parking webpage.

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 three disputed domain names, <bcee-snet-lu.com>, <bcee-snetlu.com>, and <bcee-snetlu.net>, incorporate the Complainant’s BCEE and S-NET trade marks in

their entirety. The inclusion of the term “lu” (perceived by the public as referring to Luxembourg) further increases the likelihood of confusion with the Complainant. The generic Top-Level-Domain (“gTLD”) “.com” and “.net” should be disregarded in the confusing similarity test under the Policy. Therefore, the three disputed domain names are confusingly similar to the Complainant’s BCEE and S-NET trade marks.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the three disputed domain names. The Respondent is not affiliated with the Complainant in any way, and the Complainant has not authorised the Respondent to use the Complainant’s BCEE and S-NET trade marks for any reason or in any manner. The Respondent does not hold trade mark rights corresponding to the disputed domain names. In addition, the disputed domain names are confusingly similar to the Complainant’s BCEE and S-NET trade marks, which makes it unreasonable to believe that the Respondent was intending to register the disputed domain names for legitimate use.

The Complainant further contends that the three disputed domain names were registered and are being used in bad faith. The Complainant’s BCEE and S-NET trade marks are distinctive and have gained a high reputation worldwide, and therefore it is implausible that the Respondent was unaware of the Complainant’s trademarks when registering the disputed domain names. Moreover, the three disputed domain names concurrently include the Complainant’s BCEE and S-NET trade marks, together with the term “lu” (denoting Luxembourg, the Complainant’s place of incorporation), which supports a finding that the Respondent was deliberately targeting the Complainant and its BCEE and S-NET trade marks to register the disputed domain names. The disputed domain names are confusingly similar to the Complainant’s BCEE and S-NET trade marks, suggesting that they were intended for phishing or other fraudulent purposes. In addition, the Respondent’s passive holding of the three disputed domain names does not prevent the finding of its bad faith in the registration and use of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

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 the BCEE and S-NET trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The gTLDs “.com” and “.net” as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The entirety of the BCEE trade mark and the text part of the S-NET trade mark are reproduced within the disputed domain names. While the hyphen “-” and the term “lu” are included, the BCEE and S-NET trade marks remain clearly recognisable in the disputed domain names. The Panel finds that the extra hyphen and term do not prevent the finding of confusing similarity between the disputed domain names and the BCEE and S-NET trade marks. Accordingly, the three disputed domain names are confusingly similar to the Complainant’s BCEE and S-NET trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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.

The information in the case file shows that:

- The Respondent is not affiliated with the Complainant in any way, and the Complainant has not authorized the Respondent to use its BCEE and S-NET trademarks for any reason or in any manner;
- The disputed domain names either resolve to inactive websites or a Registrar parking webpage, without any actual use or demonstrable plan to use the disputed domain names by the Respondent, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- There is no evidence proving that the Respondent has been commonly known by the disputed domain names;
- The nature of the disputed domain names, concurrently incorporating the Complainant’s BCEE and S-NET trademarks, together with the term “lu” which can denote Luxembourg, the Complainant’s place of incorporation, carries a risk of implied affiliation with the Complainant; and
- No other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain names.

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.

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.

In the present case, the Panel notes that the disputed domain names were registered long after the registration of the Complainant’s BCEE and S-NET trade marks. Through extensive use and advertising, the Complainant’s BCEE and S-NET trade marks have gained a certain degree of reputation and recognition in numerous jurisdictions. Search results using the key words “becc” and “snet” on popular Internet search engines direct Internet users to the Complainant and its business, which indicates that an exclusive connection between the BCEE and S-NET trade marks and the Complainant has been established. The

Respondent concurrently registered the disputed domain names that incorporate the Complainant's BCEE and S-NET trade marks, together with the term "lu" (denoting Luxembourg, the Complainant's place of incorporation). Bearing in mind that the BCEE and S-NET trade marks are distinctive, the Panel concludes that the Respondent should have actual knowledge of the Complainant and its rights to the BCEE and S-NET trade marks at the time of registering the disputed domain names, and bad faith is found.

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.

The disputed domain names either resolve to inactive websites or a Registrar parking webpage and are passively held by the Respondent. Panels have found that the non-use of a domain name 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 records, the Panel notes the distinctiveness and reputation of the Complainant's BCEE and S-NET trade marks, and the composition of the disputed domain names which incorporate the Complainant's BCEE and S-NET trade marks, 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 <bcee-snet-lu.com>, <bcee-snetlu.com>, and <bcee-snetlu.net> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: February 16, 2026