

## **ADMINISTRATIVE PANEL DECISION**

Banque et Caisse d'Epargne de l'Etat, Luxembourg v. leon zhigalo  
Case No. D2026-0221

### **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 leon zhigalo, United States of America.

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

The disputed domain name <spuerkeess-oqzvnaep.rest> is registered with NameSilo, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 20, 2026. On January 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 2026, 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 (Privacy User #447b11ad, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2026, 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 January 23, 2026.

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 January 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 18, 2026.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on February 20, 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 is a Luxembourgish Company, incorporated on June 22, 1989 and is one of the largest financial and banking institutions in Luxembourg, and is also quite active internationally.

The Complainant is well known in the banking sector and provides retail, corporate and private banking and financial services and is also widely known by its common trade name "Spuerkeess" and by its SPUERKEESS trademarks.

The Complainant is the owner of several different SPUERKEESS trademark registrations in the European Union, Benelux, Switzerland and the United Kingdom, including the following:

- Benelux Trademark Registration No. 0796132 SPUERKEESS, registered on May 5, 2006 for services in class 36;

- European Union Trademark Registration No. 009110552 SPUERKEESS, registered on November 2, 2010, for goods and services in classes 9 and 36;

- United Kingdom Trademark Registration No. UK00909110552 SPUERKEESS, registered on November 2, 2010 for goods and services in classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45; and

- Swiss Trademark Registration No. 615157 SPUERKEESS, registered on May 10, 2011 for goods and services in classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45.

Also, the Complainant owns several domain names which include its trademark SPUERKEESS, such as <spuerkeess.com>, which it uses to promote its services.

The disputed domain name <spuerkeess-oqzvnaep.rest> was registered on December 16, 2025 and at the time of drafting this decision does not relate to an active website.

#### **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 the Complainant's SPUERKEESS trademark. The Respondent has no legitimate right or interests in respect of the disputed domain name. Consequently, the disputed domain name was registered and is being used in bad faith.

Therefore, the Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

##### **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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 3.1](#), section 1.7.

Although the addition of other terms here, "oqzvnaep" may bear on assessment of the second and third elements, the Panel finds the addition of such assortment of letters does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The generic Top-Level domain (gTLD) ".rest" will be disregarded by the Panel in the confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 that 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 3.1](#), 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.

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 Panel is satisfied that the Respondent must have been aware of the Complainant's trademark SPUERKEESS when it registered the disputed domain name on December 16, 2025.

In accordance with section 3.1.4 of the [WIPO Overview 3.1](#), the Panel considers that the inclusion of the Complainant's widely known SPUERKEESS trademark in the disputed domain name, by the Respondent who has no relationship with the Complainant, creates a presumption of bad faith registration. The Respondent, when registering the disputed domain name, targeted the Complainant's business and its trademark SPUERKEESS, with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark for its own benefit.

The fact that there is an absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name is also a significant factor that contributes to the finding that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.1](#)).

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and finds that in the circumstances of this case the passive holding of the disputed domain name 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 name <spuerkeess-oqzvnaep.rest> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: February 25, 2026