

ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat, Luxembourg v. Hugo Volkov
Case No. D2026-3637

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 Hugo Volkov, United States of America.

2. The Domain Name and Registrar

The disputed domain name <spuerkeessagb.com> is registered with PDR Ltd. d/b/aPublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 13, 2026. On August 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 15, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on August 17, 2026, providing the detailed registrant and contact information disclosed by the Registrar.

The Center verified that 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 August 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 16, 2026.

The Center appointed Martin Švorčík as the sole panelist in this matter on September 23, 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 Luxembourg banking institution founded in 1856 and also known as “Spuerkeess”. It provides retail, corporate, and private banking and financial services and operates its official website at “www.spuerkeess.lu”.

The Complainant owns trademark registrations for SPUERKEESS, including:

- European Union Trade Mark Registration No. 009110552 for SPUERKEESS, registered on November 2, 2010, in Classes 9 and 36; and
- Swiss Trademark Registration No. 615157 for SPUERKEESS, registered on May 10, 2011, in Classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45.

The disputed domain name <spuerkeessagb.com> was registered on June 25, 2026.

The Respondent is identified in the registration data as Hugo Volkov, United States of America.

According to the evidence submitted by the Complainant, the disputed domain name redirected Internet users to the Complainant’s official website. In particular, the evidence shows a redirection chain from the disputed domain name to “www.spuerkeess.lu/fr/particuliers/”.

The Complainant sent a takedown notice to the Registrar on July 30, 2026. The record does not indicate that the disputed domain name was suspended following that notice.

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.

In particular, the Complainant submits that:

- the disputed domain name is confusingly similar to its SPUERKEESS trademark, which is incorporated in its entirety, while the additional term “agb”, referring to “Allgemeine Geschäftsbedingungen” or “general terms and conditions” in German, does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not affiliated with the Complainant, has not been authorized to use the SPUERKEESS trademark, and was not authorized to redirect the disputed domain name to the Complainant’s official website; and
- the disputed domain name was registered and is being used in bad faith because the Respondent was aware of the Complainant and its SPUERKEESS trademark and deliberately redirected the disputed domain name to the Complainant’s official website, thereby creating a likelihood of confusion as to an association with the Complainant. The Complainant further contends that, given the nature of its banking activities, such use creates a risk of phishing or other fraudulent activity.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires the Complainant to establish that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed 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 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.

Although the addition of the term "agb" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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 Complainant has not authorized the Respondent to use its SPURKEESS trademark or to register a domain name incorporating that trademark. There is no evidence that the Respondent has been commonly known by the disputed domain name.

The evidence shows that the disputed domain name was used to redirect Internet users to the Complainant's official website. Such unauthorized redirection does not constitute use of the disputed domain name in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy, nor does it amount to a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy. [WIPO Overview 3.1](#), section 2.5.3. The Respondent has provided no explanation for the registration and use of the disputed domain name or evidence demonstrating rights or legitimate interests in the disputed domain name.

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 Complainant's trademark rights substantially predate the registration of the disputed domain name. The disputed domain name incorporates the Complainant's well-known SPUERKEESS trademark in its entirety together with the term "agb", which can be considered as an abbreviation for the German expression "Allgemeine Geschäftsbedingungen", meaning "general terms and conditions". The Panel finds the composition of the disputed domain name suggests a connection with the Complainant.

Moreover, the evidence shows that the disputed domain name was configured to redirect Internet users to the Complainant's official website. Such redirection further indicates to the Panel that the Respondent was likely aware of the Complainant and its SPUERKEESS trademark when registering the disputed domain name and deliberately targeted the Complainant. [WIPO Overview 3.1](#), sections 3.2.1, 3.2.2.

The Panel further finds that the unauthorized redirection of the disputed domain name to the Complainant's official website reinforces the impression that the disputed domain name is operated by or otherwise associated with the Complainant. In light of the circumstances of the present case, the Panel finds that the disputed domain name was registered and used in bad faith.

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 <spuerkeessagb.com> be transferred to the Complainant.

/Martin Švorčík/

Martin Švorčík

Sole Panelist

Date: October 2, 2026