

PANEL DECISION

Probus Pleion Suisse SA v. Patricia Delacour
Case No. DEU2025-0007

1. The Parties

The Complainant is Probus Pleion Suisse SA, Switzerland, internally represented.

The Respondent is Patricia Delacour, France.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <probuspleion.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Tucows.com Co.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On February 26, 2025, the Registry 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 verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 27, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on March 24, 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 ADR Rules, Paragraph B(5).

On April 9, 2025, the Panel issued Procedural Order No.1, asking the Complainant to provide, by April 14, 2025, a copy of some missing attachments to a document filed in support of the Complaint. On April 10, 2025, the Complainant filed the requested documents. The Respondent was entitled to respond to the Complainant's submissions by April 19, 2025, but did not submit any response.

4. Factual Background

The Complainant, Probus Pleion Suisse SA, is a subsidiary of Probus Pleion Holding SA, a Swiss group resulting from the merger of Probus Holding SA and Pleion SA in 2022.

The Complainant is the owner of the following trademarks:

- PROBUS, International registration No. 1284429, registered on October 15, 2015, for services in classes 35, 36, and 45, designating, among others, the European Union;

- PLEION, International registration No. 1450647, registered on September 28, 2018, for goods and services in classes 9, 16, 35, 36, 38, 41, 42, and 45, designating, among others, the European Union.

The Complainant is also the owner of the domain names <probuspleion.ch> and <probuspleion.com>, which resolve to the Complainant's official websites.

The disputed domain name has been registered on January 15, 2025, and has been used to contact third parties via email, while pretending to be a Complainant's employee.

5. Parties' Contentions

A. Complainant

The Complainant maintains that the disputed domain name is confusingly similar to its PROBUS and PLEION trademarks as it merely consists of these marks followed by the country code Top-Level Domain ("ccTLD") ".eu".

The Complainant further maintains that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no business link with the Complainant and uses the disputed domain name without authorization. The Complainant affirms that the Respondent used the disputed domain name, and one other domain name containing the Complainant's mark, to send unsolicited propositions of financial services via email to third parties. These emails depict a trademark identical to the figurative mark displayed on the Complainant's official website and misappropriate the identity of a legitimate employee of the Complainant. Such use of the disputed domain name cannot provide the Respondent with rights or legitimate interests in the disputed domain name.

As far as bad faith is concerned, the Complainant notes that the use of the disputed domain name is evidence of bad faith. The Respondent is attempting to lure potential victims into what appears to be a financial fraud through the disputed domain name. Moreover, there are reasons to believe that the Respondent has also registered, without authorization, the domain name <probuspleion.fr>, or at least the Respondent has a connection with this domain name. Indeed, in one of the documents sent after a fraudulent Respondent's email, an address ending with "@probuspleion.fr" is listed as customer service contact.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Observation

Due to the similarities of the ADR Rules and the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Panel will also take into account the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), and the cases decided under both the UDRP and the ADR Rules.

6.2. Substantive Issues

Paragraph B(11)(d)(1) of the ADR Rules provides that the Panel shall issue a decision granting the remedies requested in the event that the Complainant proves:

- that the domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and;
- that the domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- that the domain name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

The Complainant is the owner of the trademarks PROBUS and PLEION, registered in the European Union. Accordingly, the Complainant has rights established by the European Union law. The disputed domain name incorporates both these trademarks followed by the ccTLD “.eu”. In general, Panels consider that in cases where a domain name incorporates the entirety of a trademark, the domain name is confusingly similar to that mark (see [WIPO Overview 3.0](#), section 1.7). Moreover, the addition of the ccTLD “.eu” is a mere technical requirement, which has no impact on the evaluation of confusing similarity under the first element of the ADR Rules.

As the Complainant’s marks are clearly recognizable within the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s marks.

Accordingly, the first condition under Paragraph B(11)(d)(1)(i) of the ADR Rules is met.

B. Rights or Legitimate Interests

The ADR Rules contain in Paragraph B(11)(e) a non-exhaustive list of case scenarios suitable to prove rights or legitimate interests of a respondent. In particular, Paragraph B(11)(e) of the ADR Rules envisages the following circumstances:

- (1) prior to any notice of the dispute, the Respondent has used the domain name or a name corresponding to the domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;
- (2) the Respondent, being an undertaking, organization or natural person, has been commonly known by the domain name, even in the absence of a right recognized or established by national and/or European Union law;
- (3) the Respondent is making legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognized or established by national law and/or European Union law.

Although the overall burden of proof is on the complainant, panels have recognized that proving that a respondent registered a domain without rights or legitimate interests 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, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating its rights or legitimate interests at the time of registration of the disputed domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied its onus of proof. [WIPO Overview 3.0](#), section 2.1.

The Panel notes that the Respondent has no relationship with the Complainant and that the Complainant did not authorize the Respondent to make use of its marks in any manner, including as part of the disputed domain name. Furthermore, nothing in the record shows that the Respondent is commonly known by the disputed domain name.

Generally, panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. In the instant case, the disputed domain name consists of the association of two trademarks belonging to the Complainant and coincide with the Complainant's corporate name. Accordingly, there is a high risk of implied affiliation between the disputed domain name and the Complainant. Furthermore, the disputed domain name has been used to send fishing scam emails to third parties pretending to be a legitimate employee of the Complainant and proposing alleged financial services. Such use does not amount to a legitimate and noncommercial or fair use of the disputed domain name, without intent to mislead users or harm the reputation of the Complainant's marks. On the contrary, the Respondent's behavior demonstrates a clear intention to mislead users by taking advantage of the goodwill associated to the Complainant and its marks to lure them into spending money for an investment that presumably does not exist.

Accordingly, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden of production now shifts to the Respondent to prove its rights or legitimate interests at the time of the registration of the disputed domain name. As the Respondent did not rebut the Complainant's arguments and decided not to file a Response, nor to reply to the additional documents filed in reply to the Panel's Procedural Order No. 1, the Panel finds that the Complainant has proved the second condition under Paragraph B(11)(d)(1)(ii) of the ADR Rules.

C. Registered or Used in Bad Faith

The Complainant has met the criteria under the paragraph B(11)(d)(1)(ii) of the ADR Rules and thus it is not necessary for the Panel to examine the Complainant's assertions on the Respondent's bad faith registration or use of the disputed domain name. However, the Panel notes that the Complainant has provided sufficient arguments and evidence, which indicate the Respondent's bad faith in the registration or use of the disputed domain name.

In particular, the Panel notes that the Complainant has shown that the Respondent has used the disputed domain name to send phishing emails purporting to be a Complainant's employee. The Respondent's emails depict the Complainant's trademarks and logo and solicit alleged financial investments while asking for personal data and information of the recipient user.

Moreover, the Complainant has submitted evidence showing that, in at least one of the Respondent's phishing emails, the contact email address of the Respondent's customer service ends with the domain name <probuspleion.fr>. Accordingly, it is highly likely that the Respondent is also the owner of the domain name <probuspleion.fr> or at least has some connections with this domain name which it also uses for fraudulent purposes.

In light of the above, the Panel finds that the Respondent has targeted the Complainant and its marks to take unfair advantage from the goodwill associated with these marks. As such, the Respondent is misleading the Complainant's potential consumers presumably to obtain an undue financial gain or for some other illicit purpose.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith and that the criteria set forth in paragraph B(11)(d)(1)(iii) of the ADR Rules is satisfied.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <probuspleion.eu> be revoked.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: April 23, 2025