

PANEL DECISION

Enaex Europe v. Landers Quenneville
Case No. DEU2025-0028

1. The Parties

The Complainant is Enaex Europe, France, represented by Tmark Conseils, France.

The Respondent is Landers Quenneville, Netherlands (Kingdom of the).

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <eneax.eu> (the “Disputed Domain Name”) is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the Disputed Domain Name is HOSTINGER operations, UAB.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2025. On October 17, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the Disputed Domain Name. On October 17, 2025, the Registry 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on October 17, 2025, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 21, 2025.

The Center verified that the Complaint together with the amended 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 October 29, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was November 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 19, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on November 27, 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).

4. Factual Background

The Complainant, ENAEX Europe, is a French company and subsidiary of the Chilean company ENAEX S.A. The Complainant's group is active in explosives and mining blasting services.

ENAEX S.A. holds numerous registered trademarks corresponding to or including ENAEX, including the following:

-  **Enaex** European Union trade mark ("EUTM") No. 018748343 registered on April 12, 2023, covering goods and services in classes 1, 13, 35, 37, 40 and 42;

The Complainant holds the domain name <enaex.eu>, registered on December 10, 2024, which it uses for email purposes.

The Disputed Domain Name was registered on September 29, 2025. According to the Complainant's evidence, the Disputed Domain Name resolved to a registrar parking page. The Complainant also provides evidence of emails that would have been sent using the Disputed Domain Name, impersonating the Complainant's employees. The Disputed Domain Name currently does not resolve 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 a typosquatted version of a trademark in which it has rights, and is therefore confusingly similar to that mark.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as, in summary:

- the Complainant's prior rights clearly predate the date of the Disputed Domain Name's registration;
- the Respondent has no rights in the Disputed Domain Name, and there is no authorized offering of goods or services or legitimate use of the Disputed Domain Name;
- the Complainant never licensed or authorized the Respondent to use the mark it invokes or a variation thereof as a domain name.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- the Respondent was clearly aware of the Complainant's prior rights;
- the Respondent's deliberate misspelling of the mark invoked by the Complainant (by reversing the letters "A" and "E") further demonstrates its lack of good faith at the time of registration. It can only be inferred that the Respondent intended to take advantage of the clerical error to:
 - intercept and divert Internet users who mistype "enaex", which is the URL for the official Complainant's website;

- confuse the email recipient in a phishing scam;
- the use or the intention to use an email address associated with the Disputed Domain Name, to send a phishing and/or scam email for the purposes of dishonest activity is in itself evidence that the Disputed Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Procedural Issue: Complainant's rights in a trademark

A trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. While panels have been prepared to infer the existence of authorization to file a UDRP case based on the facts and circumstances described in the complaint, they may expect parties to provide relevant evidence of authorization to file a UDRP complaint. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.4. ¹

In the present case, the Panel observes that the Complainant invokes trademarks held by another entity, ENAEX S.A. Although the Complainant does not provide direct evidence of its link with ENAEX S.A., the Panel finds that indirect evidence included in the Complaint allows to confirm that the Complainant is a subsidiary of the trademark holder.

Therefore, the Panel finds that the Complainant can be considered to have rights in ENAEX S.A.'s trademarks for purposes of standing to file the Complaint.

6.2. Substantive Elements of the ADR Rules

For the Complainant to succeed in its Complaint, it is required to demonstrate the following under Paragraph B(11)(d)(1) of the ADR Rules:

1. The Disputed Domain Name is identical or confusingly similar to a name in respect of which a right is recognized or established by national law of a Member State and/or European Union law; and either
2. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; or
3. The Disputed Domain Name has been registered or is being used in bad faith.

The Panel will deal with each of these requirements in turn.

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 invokes a figurative EUTM held by its parent company (the "Mark"). In view of the above considerations under section 6.1, the Panel finds that the Complainant has shown rights established by European Union law in respect of a name for the purposes of the ADR Rules.

¹Given the similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy ("UDRP") and Rules, the Panel finds UDRP precedent and the [WIPO Overview 3.0](#) to be relevant to this case.

The standing (or threshold) test for confusing similarity typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Disputed Domain Name appears to be a misspelling of the textual component of the Mark, ENAEX: the Disputed Domain Name incorporates the Mark in its entirety except for the inversion of the adjacent letters “a” and “e”. This practice is commonly referred to as “typosquatting”. The Panel finds that this small change does not prevent the Disputed Domain Name from being confusingly similar to the Mark, as the Mark is still recognizable. [WIPO Overview 3.0](#), section 1.9.

It is well established that Top-Level-Domains (“TLDs”), here “.eu”, may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

Based on the available record, the Panel finds the first element of the ADR Rules has been established.

B. Rights or Legitimate Interests

In accordance with paragraph B(11)(d)(1)(ii) of the ADR Rules, the Complainant bears the burden of proof to establish that the Respondent has neither rights nor legitimate interests in respect of the Disputed Domain Name.

Although the overall burden of proof 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 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 ADR Rules or otherwise.

The Panel notes that the Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is “Landers Quenneville”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry. In this case, the Panel finds that the Disputed Domain Name can be considered as almost identical or confusingly similar to the Mark as it incorporates the Mark in its entirety except for the inversion of adjacent letters “a” and “e”. Moreover, the Disputed Domain Name is almost identical to the Complainant’s domain name <enaex.eu>. In the circumstances of this case, as will be further explained below, the Panel finds that this subtle misspelling is intended to impersonate the Complainant, and there is a risk that Internet users will not notice the difference between such misspelling and the Mark. See *Banque et Caisse d’Epargne de l’Etat, Luxembourg, v. Domain Admin, Whoisprotection.cc / hans larsson*, WIPO Case No. [D2022-1505](#).

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, panels also assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

According to undisputed evidence submitted by the Complainant, it received several emails from email addresses associated with the Disputed Domain Name and including names of employees of the Complainant.

The Panel finds that the above elements constitute clear indications of unlawful use of the Disputed Domain Name. Previous panels have expressly held that the use of a domain name for illegal activities (such as phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

The Respondent had the opportunity to demonstrate any rights or legitimate interests but failed to do so. In the absence of any response from the Respondent, the prima facie evidence submitted by the Complainant remains unrebutted.

Accordingly, the Panel concludes that it has been sufficiently established that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that the second element of the ADR Rules has been established.

C. Registered or Used in Bad Faith

In view of the Panel's decision regarding the two previous elements, it is not necessary to analyse the final element set out in paragraph B(11)(d)(1)(iii) of the ADR Rules. However, the Panel wishes to add the following.

Paragraph B11(f) of the ADR Rules contains a non-exhaustive list of circumstances that may demonstrate bad faith. This list includes the following circumstance: the Disputed Domain Name was intentionally used to attract Internet users, for commercial gain to the Respondent's website or other online location, by creating a likelihood of confusion with a name in respect of which a right is recognised or established by national and/or European Union law, or it is a name of a public body, with such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the Respondent.

According to the Panel, the registration and use of the Disputed Domain Name is clearly intended to take advantage of the confusion created with the Complainant and the Mark. This is evident both from the Disputed Domain Name itself, which is a typosquatted version of the Mark and the domain name used by the Complainant for email purposes, and from the use of email addresses associated with the Disputed Domain Name that contain the names of employees of the Complainant. It appears that the emails were sent fairly quickly after the registration of the Disputed Domain Name. Since the use of a domain name for unlawful activities, such as identity theft or impersonation/passing off, can never confer rights or legitimate interests on a respondent, such behaviour is clearly regarded as evidence of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The fact that the Disputed Domain Name resolves to a parking page or inactive website does not preclude a finding of bad faith.

As the Respondent did not reply to the Complaint, it has made no attempt to rebut the above. The Panel may therefore draw the conclusions it considers appropriate.

In light of the foregoing, the Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith and that the Complainant meets the requirements of paragraph B(11)(d)(1)(iii) of the ADR Rules.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the Disputed Domain Name <eneax.eu> be transferred to the Complainant. ²

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: December 11, 2025

² (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) As the Complainant is a company registered in France, a Member State of the European Union, the Complainant satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517. Therefore, the Complainant is entitled to request the transfer of the Disputed Domain Name.