

## **ADMINISTRATIVE PANEL DECISION**

Belfius Bank S.A. / Belfius Bank N.V. v. saeid abbasi, Ravand Tazeh (ouriran)  
Case No. DIR2022-0017

### **1. The Parties**

Complainant is Belfius Bank S.A. / Belfius Bank N.V., Belgium, internally represented.

Respondent is saeid abbasi, Iran (Islamic Republic of).

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

The disputed domain name <belfius.ir> (the “Domain Name”) is registered with IRNIC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2022. On September 20, 2022, the Center transmitted by email to IRNIC a request for registrar verification in connection with the Domain Name. On September 21, 2022, IRNIC transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .ir Domain Name Dispute Resolution Policy (the “Policy” or “irDRP”), the Rules for .ir Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .ir Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified Respondent of the Complaint, and the proceedings commenced on October 19, 2022. In accordance with the Rules, paragraph 5(a), the due date for Response was November 8, 2022. On November 10, 2022, the Center notified Respondent’s default.

The Center appointed Clive L. Elliott K.C. as the sole panelist in this matter on November 14, 2022. 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

Complainant is a renowned Belgian Bank and financial services provider in which the Belgian government has a shareholding interest. It has approximately 5,000 employees and over 650 agencies. Complainant's business activities are focused on the Belgian territory. It sponsors several national sports teams and sports events.

Complainant is the registered owner of several BELFIUS trade marks (Complainant's Mark). It is an invented word composed of "Bel" for Belgium, "fi" for finance and the English word "us". The most important marks in the context of this case, are as follows:

Mark	Jurisdiction	Registration No.	Registration Date
BELFIUS	European Union	010581205	May 24, 2012
BELFIUS	Benelux	914650	May 10, 2012
BELFIUS	Benelux	915963, 915962	June 11, 2012

Complainant is also the owner of numerous domain names and trade/company names including, but not limited to: <belfius.be> (registered January 23, 2012) and <belfius.com> (registered January 20, 2012).

The Domain Name was registered on March 2, 2018. The website to which the Domain Name resolves displays no content.

#### 5. Parties' Contentions

##### A. Complainant

Complainant alleges it has a "solid reputation in Belgium and beyond" in Complainant's Mark but does not identify the nature and extent of that reputation and the date it started developing such alleged reputation. Notwithstanding this, Complainant points to trade mark registrations in the European Union and Benelux dating from 2012.

Complainant asserts it is the owner of several BELFIUS trade marks covering a range of banking related services. It contends that Complainant's Mark is an invented word comprising "Bel" as in Belgium, "fi" as in finance and the English word "us".

Complainant argues that the Domain Name is confusingly similar to Complainant's Mark as it contains Complainant's Mark in its entirety, with the addition of the country code Top-Level Domain ("ccTLD") ".ir".

Complainant suggests that the Domain Name is likely to confuse Internet users into believing that the website linked to the Domain Name offers some kind of services supplied by Complainant, which it states is not the case.

Complainant contends that Respondent lacks any rights or legitimate interests in the Domain Name and is in no way associated with Complainant. Complainant states it has not licensed, approved or consented to Respondent's registration and use of Complainant's Mark in the Domain Name. Instead, it points out that its registration for Complainant's Mark predates Respondent's registration of the Domain Name, and further that Respondent is not making a legitimate noncommercial or fair use of the Domain Name.

Complainant suggests that as Respondent is cybersquatting or passive holding the Domain Name, it is not a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the Domain Name and as such is evidence of bad faith registration.

## **B. Respondent**

Whilst Respondent made no official response to Complainant's contentions, it did respond to Complainant's cease and desist email dated April 26, 2022, by way of email dated April 28, 2022, advising that the Domain Name was being auctioned and sold and giving an email address to contact if interested in buying.

## **6. Discussion and Findings**

For the reasons set out below Complainant is successful in its Complaint. By email dated November 3, 2022 Complainant indicated to the Case Manager that it wished to have the Domain Name cancelled, instead of transferred and asked for that request to be passed on to the Panel. This request is reflected in the decision below.

The Panel follows prior decisions under the irDRP and, given the similarities between the irDRP and the Uniform Domain Name Resolution Policy ("UDRP"), finds it appropriate to refer to UDRP jurisprudence, including reference to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). See *Inter IKEA Systems BV (IISBV) v. Mohammadreza Mohammadian*, WIPO Case No. [DIR2018-0003](#).

### **A. Identical or Confusingly Similar**

While it is unclear to the Panel how long Complainant has been in business, it does appear to be a business of substance. Furthermore, Complainant has registered Complainant's Mark. On that basis, the Panel is satisfied that Complainant has established applicable rights in Complainant's Mark.

Importantly, the Domain Name reproduces Complainant's Mark in its entirety. Complainant argues that Complainant's Mark is made up of an invented word namely "Bel" as in Belgium, "fi" as in finance and the English word "us". That may be so, but what is important for present purposes is that Complainant's BELFIUS mark is present in and clearly recognizable in the Domain Name. The addition of the ccTLD ".ir" does not prevent a finding of confusing similarity. See section 1.11 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Further, Complainant's Mark is recognizable in the Domain Name. See section 1.7 of [WIPO Overview 3.0](#).

The Domain Name is arguably the same but certainly confusingly similar to Complainant's Mark.

The first ground under the Policy is made out.

### **B. Rights or Legitimate Interests**

Complainant submits that Respondent lacks any rights or legitimate interests in the Domain Name and is in no way associated with Complainant and that Complainant has not licensed or otherwise approved use of the Domain Name. Further, Complainant contends that Respondent is not making a legitimate noncommercial or fair use of the Domain Name. In fact, apart from attempting to sell the Domain Name it appears that Respondent is not making any use of the Domain Name.

Respondent could have chosen to explain the basis upon which it chose the Domain Name and what its intentions are in terms of potential future use of the Domain Name. However, it has chosen to not do so. In the absence of any response, it is difficult to see how Respondent's activities can be considered as a *bona fide* offering of good and services. Under the circumstances, the Panel infers from its silence that Respondent is unable to refute the allegations.

Respondent has therefore failed to rebut Complainant's case and its argument that Respondent lacks rights or legitimate interests in the Domain Name.

Accordingly, the second ground under the Policy is made out.

### **C. Registered and Used in Bad Faith**

For the reasons articulated above, and for the reasons that follow, the Panel finds in favour of Complainant. That is, first, on the basis of the record and in the absence of any attempt to refute the allegations made by Complainant, secondly, the fact that Complainant's Mark was registered many years before the Domain Name was registered, thirdly that the Domain Name is identical to Complainant's Mark save for the ccTLD, and fourthly that given the passive holding of the Domain Name and the overall circumstances, it is difficult to conceive of any legitimate use that the Domain Name could be put.

For these reasons, the Panel finds that the Domain Name was registered and used in bad faith.

Complainant has therefore established the third ground under 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 Domain Name <belfius.ir> be cancelled.

*/Clive L. Elliott, K.C./*

**Clive L. Elliott, K.C.**

Sole Panelist

Date: November 29, 2022