

Decision for dispute CAC-UDRP-104536

Case number CAC-UDRP-104536

Time of filing 2022-05-02 09:12:58

Domain names eurexkr.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization Deutsche Börse AG

Complainant representative

Organization Grünecker Patent und Rechtsanwälte PartG mbB

Respondent

Organization bksoft

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of multiple trademarks, including the international trademark EUREX, with registration number 635015 and date of registration 5 December 2014.

FACTUAL BACKGROUND

According to the information provided Complainant is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide. Moreover, Complainant is a transaction service provider, which affords international companies and investors access to global capital markets by means of advanced technology. Its product and service portfolio covers the entire process chain from order input to custody of shares and derivatives. Complainant has customers in Europe, USA and Asia.

The disputed domain name <eurexkr.com> was registered on 28 February 2022.

The trademark registrations of Complainant have been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademarks as it contains the trademark EUREX in its entirety. According to Complainant the further element "kr" will be understood as a geographical reference to Korea, corresponding to the language of the website. This is further intensified as solely a clone version of Complainant's website is presented under the disputed domain name.

According to Complainant Respondent has no rights or legitimate interest in the disputed domain name. Complainant submits that the sole content available under the disputed domain name is a clone version of Complainant's authentic Korean language website. Respondent has neither been authorized to use the EUREX mark, nor to copy and make publicly available Complainant's Korean language website.

According to Complainant the disputed domain name is registered in bad faith. Complainant submits that the sole content of the website available under the disputed domain consists of a clone version of Complainant's authentic Korean language website, including logos and Complainant's name. It is evident that by registering and using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a deliberate likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation or endorsement of Respondent's website or of a product or service on Respondent's website or location.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.

In particular the Panel takes into account the undisputed submission of Complainant, supported by evidence, that the disputed domain name resolves to a website consisting of a copy of Complainant's authentic Korean language website. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). The

trademark of Complainant has been existing for a long time and is well-known. Respondent knew or in any event should have known that the disputed domain name included Complainant's trademark.

The Panel further notes that the disputed domain name incorporates Complainant's trademark in its entirety and resolves to a website which is a copy of Complainant's website in the Korean language, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. EUREXKR.COM: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION **2022-06-03**

Publish the Decision
