Decision for dispute CAC-UDRP-106701

Case number	**CAC-UDRP-106701**
Time of filing	**2024-07-18 08:42:52**
Domain names	**eon-hungaria.info**

Case administrator

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

Complainant

Organization	**E.ON SE**

Complainant representative

Organization	**Lubberger Lehment Rechtsanwälte Partnerschaft mbB**

Respondent

Name	**Alvin Wells**

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

The Complainant owns various trademarks registrations including:

- EU trademark registration number 002361558 for “E.ON” as a word mark, registered on 19 December 2002 in classes 35, 39 and 40;
- EU trademark registration number 002362416 for “e.on” as a word mark, registered on 19 December 2002 in classes 35, 39 and 40; and
- EU trademark registration number 006296529 as a word mark, registered on 27 June 2008 in classes 07, 36, 37 and 40.

E.ON is also the Complainant’s company name.

FACTUAL BACKGROUND

E.ON Group is one of Europe's largest operators of energy networks and energy infrastructure. The Complainant owns a number of trademarks registrations for E.ON that predate the registration of the disputed domain name.

The Respondent registered the disputed domain name on 28 March 2024 using a privacy service.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

The Complainant states that the disputed domain name <eon-hungaria.info> is identical to its trademark E.ON, and is reproduced in its entirety, only omitting the dot (see E.ON SE v. Jack Li, CAC-UDRP-106086). It asserts that the addition of a purely generic element, such as “hungaria”, is irrelevant in assessing confusing similarity (see Kurt Geiger Limited v. Ralph Grunwald, WIPO Case No. D2021-1558).

The Complainant asserts the Respondent has no rights or legitimate interests in the disputed domain name but is using it to operate a fake website that appears to be operated by the Complainant, and where customers are directed to execute payments on allegedly open energy bills.

The Complainant asserts that the Respondent has registered and is using the domain in bad faith. The domain name is identical to the Complainant’s well-known trademark. The website intentionally creates the impression that it is the Complainant’s official site, which shows that the Respondent is aware of the Complainant and its trademarks.

The Complainant asserts the fraudulent activities follow a pattern. The Complainant has filed previous UDRP complaints regarding the disputed domain names <eon-hungary.com> (CAC-UDRP-106381) and <eon-hungary.net> (CAC-UDRP-106489). Both domain names resolved to websites with identical fraudulent content.

No administratively compliant Response has been filed.

RIGHTS

The 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 the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the 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

The 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

Paragraph 4 (a) of the Policy requires the Complainant to prove each of the following three elements:

(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 the disputed domain name; and

(iii) the disputed domain name has been registered and used in bad faith.

The Panel must decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable (paragraph 15(a) of the Rules). The Respondent has not filed a Response nor disputed any of the Complainant’s assertions. The Respondent’s failure to file a response will not automatically result

in the Complainant succeeding. The Complainant must prove, on the balance of probabilities, each of the three elements.

A. IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant has submitted evidence of its rights in the E.ON trademark.

The disputed domain name is comprised of the word “eon”, the term “hungaria” and the top-level domain “.info”. Omitting of the dot between the letter ‘e’ and the word ‘on’ and the addition of the geographic term ‘hungaria’ (a reference to Hungary) are not sufficient to avoid a finding that the disputed domain name is confusingly similar to the Complainant's trademark, E.ON (see E.ON SE v. Jack Li, CAC-UDRP-106086 and E.ON SE v Anthony Amaechi Gregoire, CAC-UDRP-106652).

The top-level domain “.info” is a standard registration requirement and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant’s trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. NO RIGHTS OR LEGITIMATE INTEREST

The Respondent has not disputed the Complainant’s assertions that the Respondent has no rights or legitimate interest in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. Evidence submitted by the Complainant indicates that the disputed domain name is being used in connection with a fake website and not for any legitimate noncommercial or fair use.

Having considered the above factors and the evidence submitted, the Panel concludes that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND USED IN BAD FAITH

The Complainant’s trademark is well-known and predates the registration of the disputed domain name by over 20 years.

The Respondent has attempted to hide his identity by using a privacy service. He has used the disputed domain name in connection with a fraudulent website that pretends to be the Complainant. The obvious reason for doing so is that the Respondent is attempting to attract for commercial gain Internet users to the website by creating a likelihood of confusion with the Complainant and its mark. (See paragraph 4(b)(iv) of the Policy: Evidence of registration and use in bad faith).

The Panel notes a similar case involving the Respondent, CAC-UDRP-Case number 106489 (<eon-hungary.net>), in which the Panel found that the Respondent had targeted the Complainant with an attempt to take unfair advantage of the Complainant’s mark.

The Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eon-hungaria.info** : Transferred

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2024-08-21

Publish the Decision