Decision for dispute CAC-UDRP-107291

Case number	**CAC-UDRP-107291**
Time of filing	**2025-02-10 09:40:28**
Domain names	**eurex-uk.com**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Deutsche Börse AG**

Complainant representative

Organization	**Grünecker Patent- und Rechtsanwälte PartG mbB**

Respondent

Organization	**skyweblink -**

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 claims to be the owner of numerous trademark registrations for EUREX in various jurisdictions worldwide, in particular the following:

- International trademark registration no. 635015 EUREX designating Belarus, Switzerland, Liechtenstein, Monaco, San Marino and Ukraine for classes 09, 35, 36, 42, with a priority of
  December 5, 1994;
- International trademark registration no. 812147 EUREX designating Australia, Belarus, Switzerland, Japan, South Korea, Liechtenstein, Norway, Singapore, Turkey, Hungary, Russia,
  Ukraine for classes 09, 16, 35, 36, 38, 41, 42, based on German trademark registration with a priority of February 19, 2003;
- EUTM no. 000744763 EUREX for classes 9, 16, 35, 36, 38, 42, with a priority of November 27, 1997;
- EUTM no. 000758938 EUREX (and design) for classes 9, 16, 35, 36, 38, 42, with a priority of November 27, 1997;
- German trademark registration no. 30309064 EUREX for classes 9, 35, 36, 38, 41, 42, with a priority of February 19, 2003;
- German Registration no. 39756930 EUREX (and design) for classes 9, 16, 35, 36, 38, 42, with a priority of November 27, 1997;
- UK trademark registration no. UK00001561905 EUREX for class 36, with a priority of February 9, 1994;
- UK trademark registration no. UK00900744763 EUREX for classes 9, 16, 35, 36, 38, 42, with a priority of November 27, 1997;
- US trademark registration no. 2941068 for classes 9, 16, 36, with a priority of May 10, 2002;
- Chinese trademark no. 5591453 for class 36, with a priority of September 7, 2006;
- Malaysian trademark no. 06018304 for class 36, with a priority of 6 October 2006;
- Indian trademark no. 1500199 for classes 9, 16, 35, 36, 42 with a priority of November 1, 2006.

FACTUAL BACKGROUND

The Complainant, Deutsche Börse AG, is one of the leading marketplace organizers for financial services, particularly in trading shares and other securities worldwide. Additionally, it is a transaction service provider that enables international companies and investors to access global capital markets through advanced technology. Its product and service portfolio covers the entire process chain, from order input to the custody of shares and derivatives.

Deutsche Börse Group serves customers in Europe, the USA, and Asia, with over 10,000 employees across Germany, Luxembourg, Switzerland, and the USA, as well as representative offices in London, Paris, Chicago, New York, Hong Kong, Dubai, Moscow, Beijing, Tokyo, and Singapore. In Germany, the Complainant also operates the Frankfurt Stock Exchange and is the leading company in its field.

Among its offerings, Deutsche Börse Group operates one of the world's largest derivatives markets under the trademark EUREX and runs a leading clearinghouse, EUREX CLEARING. In securities financing, it also manages EUREX REPO.

The EUREX Group consists of the following companies in the derivatives business, with representative offices worldwide:

- EUREX Frankfurt AG – A leading global derivatives exchange offering highly liquid EUR-denominated equity index and fixed-income derivatives, available at www.eurexchange.com.
- EUREX CLEARING – A top-tier Central Counterparty (CCP) ensuring market safety and integrity while providing risk management, clearing technology, and client asset protection. More details at www.eurexclearing.com.
- EUREX REPO – A premier European marketplace for international secured funding and financing.
- EUREX Securities Transactions Services GmbH.
- Eurex Global Derivatives AG.

Since its inception in 1998, EUREX has established a strong track record in electronic trading and clearing, demonstrating the success of its business model through highly efficient liquidity pools. It has quickly become an integral part of the global derivatives market, consistently achieving record trading volumes. Today, EUREX is one of the world’s largest international market organizers for trading futures and options on equities, equity indices, and interest rate derivatives. Approximately 370 market participants across 33 countries are connected to the EUREX trading system, with more than 7,000 registered traders.

The Respondent appears to be based in Indonesia.

The disputed domain name was registered on 3 January 2025.

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.

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).

The Complainant claims rights in the EUREX mark through its trademark registrations. By virtue of its trademark registrations, the Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See Avast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12).

The Complainant asserts that the disputed domain name is confusingly similar to its EUREX trademarks. It fully incorporates the EUREX trademark within the second-level domain, with the only additions being the generic geographical indication '-UK' and the generic top-level domain '.com'.

By doing a side-by-side comparison, the Panel agrees that the disputed domain name is confusingly similar to the Complainant's trademark, see paragraph 1.7 of the WIPO Jurisprudential Overview 3.0.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant asserts that the Respondent is not commonly known by the disputed domain name, which was only created on 3 January 2025. Therefore, the Respondent could not have acquired any rights to EUREX predating the Complainant's trademark rights. Additionally, the Complainant confirms that it has neither authorized the Respondent to use the distinctive EUREX trademarks nor has any affiliation with the Respondent.

Furthermore, the Complainant argues that the website under the disputed domain name is incomplete and appears to be a template. While the Respondent allegedly offers financial and business consulting services, the website features only generic captions with lorem ipsum placeholder text instead of substantive descriptions of its services. The Respondent fails to distinguish itself from the Complainant; rather, it actively creates the impression of being the Complainant or at least being affiliated with it.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. As a result, the burden of proof shifts to the Respondent to demonstrate such rights or interests. However, the Respondent has failed to submit any response within the required timeframe to rebut these assertions.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant reiterates that its EUREX trademark is distinctive and well-known. It asserts that the Respondent clearly registered the disputed domain name with knowledge of the Complainant and is using it to exploit the reputation of the well-known EUREX trademark.

Furthermore, the Respondent has not demonstrated any actual activity related to the disputed domain name. Instead, it operates a template website that merely teases potential future services—some of which are identical or highly similar to those of the Complainant. There is no conceivable legitimate use of the disputed domain name by the Respondent that would not involve impersonation, trademark infringement, or an attempt to attract internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark regarding the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Considering the overall circumstances, the Panel concludes that the Respondent likely had actual knowledge of the Complainant's EUREX trademark at the time of registering the disputed domain name, given the Complainant's reputation and prior trademark rights. As such, the registration of the disputed domain name constitutes bad faith.

Additionally, the Panel notes that the Respondent claims to have over 30 years of experience in business consulting, which directly contradicts the creation date of the disputed domain name (January 3, 2025). The Respondent should have provided an explanation for this inconsistency on the website associated with the disputed domain name but failed to do so.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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.

PRELIMINARY FINDINGS - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreement is Indonesian as confirmed by the Registrar. The Complaint was submitted in English and that no Response was submitted. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant requests to use English as the language of the proceeding, with the argument that the element "UK" within the disputed domain name indicates that the Respondent can understand English. In addition, the content of the website under the

disputed domain name is available in English, disregarding the placeholder text.

Having considered the overall circumstances, the Panel believes that using English as the language of the proceeding would be fair to both parties and would also uphold the principle of the UDRP as a swift dispute resolution process. On this basis, the Panel determines that the language requirement has been satisfied and decides that the language of the proceeding shall be English.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eurex-uk.com**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2025-03-08

Publish the Decision