Decision for dispute CAC-UDRP-107351

Case number	CAC-UDRP-107351
Time of filing	2025-02-25 09:22:35
Domain names	eurex.cyou, eurex1.cyou, eurex.store, eurex.rest

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	Theresa Chavez

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 names.

IDENTIFICATION OF RIGHTS

The Complainant owns, among many others, the following Trademarks:

- International trademark for EUREX (and design), Reg. No. 635015, registered on December 5, 1994, in force until December 5, 2034; in International Classes ("ICs") 9, 35, 36, and 42;

- European trademark for EUREX (word mark), Reg. No. 000744763, registered on June 8, 1999, in force until February 13, 2028, in ICs 9, 16, 35, 36, 38, and 42; and

- United States trademark for EUREX (word mark), Reg. No. 2941068, registered on April 19, 2005, and in force until October 20, 2025, in ICs 9, 16, and 36.

FACTUAL BACKGROUND

The Complainant is a recognized German company based in Frankfurt am Main, which organizes financial services, particularly trading in shares and other securities worldwide. The Complainant also operates as a transaction service provider, allowing international companies and investors access to global capital markets through advanced technology.

The Complainant has customers in Europe, the United States (USA), and Asia; owns more than 10.000 employees; has locations in Germany, Luxemburg, Switzerland, and the USA, as well as at representative offices in London, Paris, Chicago, New York, Hong Kong, Dubai, Moscow, Beijing, Tokyo, and Singapore.

The Complainant organizes one of the world's largest derivative markets under the trademark EUREX and operates one of the world's leading clearing houses with EUREX CLEARING. In the area of securities financing, it further operates EUREX REPO.

EUREX Group comprises EUREX Frankfurt AG, EUREX CLEARING, EUREX REPO, EUREX Securities Transactions Services GmbH; and Eurex Global Derivatives AG, each one with representative offices around the world.

EUREX founded in 1998, based in Frankfurt am Main, Germany, is one of the main clearing houses for financial futures derivatives and one of the largest European markets for financial derivatives. It has 370 market participants in 33 countries and more than 7,000 registered traders.

The Complainant owns among many others, the following domain names <deutsche-boerse.com> registered on December 23, 1996, used as the Complainant's official website; <eurex.com> registered on August 9, 1996; <eurexchange.com> registered on March 13, 1998; <eurexclearing.com> registered on March 26, 2007, used as the EUREX Group official websites.

The disputed domain name <eurex.cyou> was registered on February 7, 2025; <eurex1.cyou> was registered on February 12, 2025; <eurex.store> was registered on February 7, 2025; and <eurex.rest> was registered on February 12, 2025. According to the Complainant's submitted evidence, by the time of the filing of the Complaint, each of the disputed domain names resolved to an active website that purportedly offered financial services and stock information under the Complainant's EUREX trademark (and logo). By the time of this Decision, each one of the disputed domain names resolves to an inactive error message website.

The Panel notes that the well-known character of the EUREX trademark has been confirmed by previous UDRP panelists. See, e.g.: Deutsche Börse AG v. Max Vatan, CAC-UDRP Case No.104124; Deutsche Börse AG v. bksoft, CAC-UDRP Case No. 104536; Deutsche Börse AG v. Sergio Netz, CAC-UDRP Case No. 106424.

PARTIES CONTENTIONS

Response

No Response or any kind of communication has been submitted by the Respondent. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 4.3.).

Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard (see paragraphs 14 and 15(a) of the Rules, and WIPO Overview 3.0, section 4.2.)

Complainant Contentions (summary):

- The Complainant requests the Consolidation of the four (4) disputed domain names in a single Decision under paragraph 4(f) of the Policy in conjunction with paragraphs 3(c) and 10(e)of the Rules; and section 4.11.2 of the WIPO Overview 3.0. The Complainant bases its requests on:

- Same Respondent: the Respondent is the registrant of all the disputed domain names; same location and contact details (common control).

- The disputed domain names were registered within the same month, with a time difference of only five days between them.

- Same Registrar for all the disputed domain names, being Gname.com Pte. Ltd.

- The disputed domain names incorporate the trademark EUREX; and pointed to the same website which promoted identical services in the financial sector under prominent use of the trademark EUREX and linked to subpages that copy news articles from the official EUREX website, i.e.: "Diversification and innovation: How Europe is enhancing its appeal to investors in Asia" at https://www.eurex.com/ex-de/ressourcen/news/derivatives-insights-asia-4229200; and "January 2025 figures at Eurex" at https://www.eurex.com/ex-en/find/news-center/news/January-2025-figures-at-Eurex-4283950.

- The Complainant contends that the disputed domain names are confusingly similar to its trademark EUREX, which is reproduced in its entirety; and that the addition of the non-distinctive element "1" and the gTLDs ".cyou", ".store", and ".rest".

- The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names, given that it is not commonly known by the disputed domain names; that the disputed domain names were registered on February 2025, meaning no possibility of holding older trademark rights over the designation EUREX, as the Complainant does; that no authorization has been granted by the Complainant to use the well-known trademark EUREX, nor affiliation exists between them; that there is also no use nor any demonstrable preparations to use the disputed domain names in connection with a bona fide offering of goods or services according to Policy 4(c)(i), given that the Respondent is actively trying to impersonate the Complainant or at least to create the impression of being affiliated with or endorsed by the Complainant.

- The Complainant contends that no authorization has been granted, nor a license or any right whatsoever to use the Complainant's trademark EUREX, including as a domain name. The Complainant contends that there is no commercial affiliation or of any kind with the Respondent.

- The Complainant contends that the disputed domain names have been registered and that are being used in bad faith, given the well-known status of the Complainant's EUREX trademark, the Respondent has registered the disputed domain names in knowledge of the Complainant, which evidences bad faith (See WIPO Overview 3.0, section 3.1.4); that by operating the websites under the disputed domain names, for own commercial gain, the Respondent is taking unfair advantage of the Complainant's well-known EUREX trademark as an indication of (the affiliation with or endorsement by) a trustworthy and reliable origin of services in the financial sector.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names in this Case are identical and 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 names (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 names have been registered and are 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.

Consolidation

Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder. See WIPO Overview 3.0, section 4.11.1.

Additionally, section 4.11.2 of the WIPO Overview 3.0, addresses the question of whether a single consolidated complaint may be brought against multiple Respondents. Specifically, "where (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties."

"Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) including pseudonyms, (ii) **the registrants' contact information including email address(es), postal address(es), or phone number(s)**, including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) **the content or layout of websites corresponding to the disputed domain names**, (v) **the nature of the marks at issue (e.g., where a registrant targets a specific sector)** (…)". (emphasis added).

In this case, the Registrar Verification provided by the CAC of February 21, 2025, has indicated that the same Registrant has registered the four (4) disputed domain names, identified as Theresa k Chavez, with the same contact information. Furthermore, the evidence provided by the Complainant indicates that (i) the four (4) disputed domain names and their corresponding websites based on the Complainant's EUREX trademark are subject to common control. Therefore, this Panel, for procedural efficiency reasons, grants the Consolidation.

PRINCIPAL REASONS FOR THE DECISION

Identical or Confusingly Similar

The Complainant has proved before the Panel that it owns trademark Rights over the term EUREX at least since December 5, 1994.

See WIPO Overview 3.0, section 1.2.1.

The entirety of the Complainant's trademark EUREX is reproduced within the disputed domain names. Accordingly, the disputed domain names <eurex.cyou>, <eurex.store> and <eurex.rest> are identical and <eurex1.cyou> is confusingly similar to the Complainant's trademark for the purposes of the Policy. See WIPO Overview 3.0, section 1.7 and section 1.8, respectively.

It is well established that for the purposes of the analysis of the first element of the Policy, in this case, the gTLDs ".cyou", ".store", and "rest" are considered "as a standard registration requirement and as such is disregarded under the first element confusing similarity test". See WIPO Overview 3.0, section 1.11.1.

Rights or Legitimate Interests

Having reviewed the evidence submitted, to this Panel it is clear that:

- Nothing in the records suggests any demonstrable preparations to use any of the disputed domain names in connection with a bona fide offering of goods or services, or a legitimate noncommercial or fair use as set out in paragraph 4.c.(i) and 4.c.(iii) of the Policy. Concerning it, Panels have held that the use of a domain name for illegal activity (e.g., 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.

- There is no evidence that the Respondent corresponds to or has become commonly known by the terms "eurex.cyou", "eurex1.cyou", "eurex.store", and/or "eurex.rest"; or that it has acquired any trademark rights over the term "EUREX".

- The Respondent is not affiliated with nor authorized by the Complainant in any way; nor has the Complainant any business with the Respondent; any license or authorization has been granted to the Respondent to make any use of the Complainant's trademark EUREX or apply for its registration as a domain name.

According to the evidence submitted before this Panel, the Complainant has made out its prima facie case, and the Respondent did not submit any response, nor has it rebutted the Complainant's contentions.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

Bad Faith: Registration and Use

Concerning the Registration, the Panel notes that the Complainant's trademark Rights significantly predate the registration date of the disputed domain names by more than 30 years; the composition of the disputed domain names, and the well-known character of the EUREX trademark, are to this Panel, sufficient evidence to determine bad faith registration under the Policy. See WIPO Overview 3.0, section 3.1.4.

Concerning the Use, the Panel notes that the evidence reflected in Annex of the Complaint, being printscreens of the active websites to which the disputed domain names resolve, proves the Respondent's knowledge of the Complainant's business activity, the EUREX trademark's value, and sought to mimic it. Regarding this, previous panels have held that the use of a domain name for illegal activity (e.g., impersonation/passing off or other types of fraud) constitutes bad faith. See WIPO Overview 3.0, section 3.4.

Given the -current- inactive use of the disputed domain names, and as established by multiple panelists since "the inception of the UDRP, the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding." (See WIPO Overview 3.0, section 3.3), the use of the disputed domain names was found in bad faith by this Panel.

Therefore, the Panel finds that the disputed domain names have been registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eurex.cyou**: Transferred
2. **eurex1.cyou**: Transferred
3. **eurex.store**: Transferred
4. **eurex.rest**: Transferred

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2025-03-27

Publish the Decision