Decision for dispute CAC-UDRP-107447

Case number	CAC-UDRP-107447
Time of filing	2025-04-02 09:29:06
Domain names	eurex-ai.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

Name	Alex Lesly

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 is the owner of many « EUREX » registered trademarks, including the following:

International trademark EUREX (device) registration No.635015, registered on December 5, 1994;
International trademark EUREX (word) registration No.812147, registered on July 28, 2003;
European trademark EUREX (word) registration No. 000744763, registered on June 8, 1999.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:
The Complainant is Deutsche Börse AG, a leading market place organizers for financial services, particularly services for trading in shares and other securities worldwide. Moreover, the Complainant is a transaction service provider, which affords international companies and investors access to global capital markets by means of advanced technology.
Previous panelists in other UDRP procedures have recognized the EUREX trademark as a renowned trademark.
The disputed domain name <eurex-ai.com> was registered on March 17, 2025.
Currently the disputed domain name is not active. However, from the submission provided by the Complainant it appears that the disputed domain name previously resolved to a website where trading services were offered.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that:

1. The disputed domain name is confusingly similar to the Complainant's trademark.
The Complainant contends that the disputed domain name is confusingly similar to its distinctive trademark "EUREX".

2. The Respondent does not have any rights or legitimate interest in the disputed domain name
The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related to the Complainant's business in any way. The Complainant does not carry out any activity for, nor has any business dealings with, the Respondent.
The Complainant further affirms that the disputed domain name is used to impersonate the Complainant or at least to create the false impression of an affiliation with the Complainant, and that such conduct can never confer rights or legitimate interests on a Respondent.

3. The disputed domain name has been registered and is being used in bad faith
The Complainant contends that owing to the distinctiveness of the Complainant's trademark, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the EUREX trademark.
In addition, the Complainant contends that the Respondent is deliberately trying to impersonate the Complainant in an attempt to attract Internet users for commercial gain to its own website where services in direct competition with those of the Complainant are offered. In support of this, the Complainant documents that, to impersonate or at least to create the false impression of an affiliation with the Complainant, the Respondent's website, under the "We are located" section, gives the address "Mergenthalerallee 72 65760 Eschborn, Germany", which is almost identical to the address of the headquarters of the Complainant, i.e. Mergenthalerallee 61, 65760 Eschborn, Germany.
The Complainant further affirms that the disputed domain name is used by the Respondent for fraudulent activities based on the exploitation of the reputation of the Complainant's well-known EUREX trademarks.

RESPONDENT:
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

A) Confusing similarity
The disputed domain name contains the Complainant’s registered trademark EUREX in its entirety with the addition of the term “ai”. This Panel agrees with the Complainant's and previous Panels' view, that the addition of a generic term associated to a trademark does not create a new or different right to the mark or diminish confusing similarity.

B) Lack of legitimate rights or interests
The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant firmly in mind. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. In fact, it appears that the Respondent has used the disputed domain name for an unauthorised website displaying the Complainant’s trademark and offering services in direct competition with those offered by the Complainant. The Panel thus notes that the composition and use of the disputed domain name creates a likelihood of confusion as to the Respondent’s relationship with the Complainant (where there is none). The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.
Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered and Used in Bad Faith
The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.
Firstly, owing to the distinctiveness of the Complainant's trademark, and the use of the disputed domain name to resolve to a website offering services in direct competition with those offered by the Complainant under the name “EUREX AI”, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain name.
Secondly, the Panel accepts the Complainant’s unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant’s trademark. In fact, the disputed domain name appears to have been used to attract internet users and offer possibly fraudulent services while impersonating the Complainant or, at a minimum, to offer services in direct competition with those offered by the Complainant.
Finally, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2025-05-08

Publish the Decision