Decision for dispute CAC-UDRP-107621

Case number	CAC-UDRP-107621
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Domain names	essent2025.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Essent N.V.

Complainant representative

Organization	Lubberger Lehment Rechtsanwälte Partnerschaft mbB

Respondent

Organization	TrafficDomains INC

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 inter alia the following word mark registrations:
EUTM 001297712 “ESSENT”, registered on November 29, 2000 in classes 37, 38, 39, 40, 42; and
EUTM 002252666 “ESSENT”, registered on November 6, 2002 in classes 09, 11, 16, 35.

FACTUAL BACKGROUND

The Complainant, Essent N.V., is a leading energy provider in the Netherlands and part of E.ON Group, one of Europe's largest operators of energy networks and energy infrastructure and a provider of innovative customer solutions for approx. 48 million customers.

The <essent2025.com> domain name was registered on April 24, 2025.

Customers of the Complainant have been contacted via WhatsApp messenger and asked to visit the website <mijn.essent2025.com> to update their user data. The website, which prominently displays the Complainant's ESSENT mark, is not operated by the Complainant.

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).

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 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(3) the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Jurisprudential Overview 3.0 at paragraph 4.3; see also eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire, FA 157287 (Forum June 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

As to the first element, the Complainant has shown that it has rights in the ESSENT trademark and that the mark is well-known. The Panel finds the disputed domain name <essent2025.com> to be confusingly similar to the Complainant’s ESSENT mark because it incorporates the mark in its entirety and merely adds the number “2025”, which does not distinguish the domain name from the mark, together with the inconsequential top-level domain “.com”, which may be ignored. The Complainant has established this element.

As to the second element, paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, i.e.

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name, which resolves to a website that mimics the official web presence of the Complainant and makes its customers believe that they can update their Essent user data. For fake shops and all other forms of fraud and illegal activity it is well established that the use of a domain name can never confer rights or legitimate interests on a respondent.

The Panel notes that the disputed domain name <essent2025.com> was registered by the Respondent on April 24, 2025, long after the Complainant had shown that its ESSENT mark had become well-known. It has been used in a phishing scheme to masquerade as the Complainant when emailing the Complainant's customers and to operate a website purporting to belong to the Complainant. These circumstances, together with the Complainant's assertions, are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name. See JUUL Labs, Inc. v. Dryx Emerson / KMF Events LTD, FA1906001849706 (Forum July 17, 2019). The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established this element.

As to the third element, the four illustrative circumstances set out in paragraph 4(b) of the Policy as evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) are not exclusive.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's well-known ESSENT mark when the Respondent registered the <essent2025.com> domain name and that the Respondent registered and is using the disputed domain name in bad faith to impersonate the Complainant for the purpose of phishing for personal and financial information by masquerading as the Complainant. The Complainant has established this element.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **essent2025.com**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2025-07-08

Publish the Decision