Decision for dispute CAC-UDRP-107669

Case number	CAC-UDRP-107669
Time of filing	2025-06-20 09:26:29
Domain names	eurexplax.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

Organization	Guangxi Zichun Technology Co. LTD

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 numerous trade mark registrations worldwide for its EUREX trade mark including EUTM number 000744763 registered on 8 June 1999 and Chinese trade mark registration number 5591453 registered on 14 December 2009.

FACTUAL BACKGROUND

The Complainant is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide. Having commenced business in 1998, it now has customers in Europe, the United States and Asia, who are serviced by more than 10.000 employees at locations in Germany, Luxemburg, Switzerland and the United States as well as having 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. It organises one of the world's largest derivative markets, including for crypto currencies, under the trade mark EUREX and operates one of the world's leading clearing houses under the name or mark EUREX CLEARING. In the area of securities financing it further operates the EUREX REPO business.

The disputed domain name was registered on October 2, 2024 and resolves to a website which masquerades as if it is the Complainant's, or is associated with it and which uses the EUREX mark and offers cryptocurrency trading services.

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

The Complainant has submitted that it owns registered trade mark rights for its EUREX mark as noted above and that the disputed domain name wholly incorporates its distinctive EUREX trade mark and is therefore confusingly similar to it. The fact that the disputed domain name also includes the term “plax” after the EUREX mark does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered EUREX trade mark and the Complaint succeeds under the first element of the Policy.

As far as no rights or legitimate interests are concerned, the Complainant has submitted that the Respondent is not commonly known by the disputed domain name. Further, it has noted that the disputed domain name was only created on October 2, 2024 and therefore that the Respondent could not have acquired prior rights to the name or mark EUREX. The Complainant, has confirmed that it never authorised the Respondent to use its EUREX mark and that it is not otherwise affiliated with the Respondent.

It has also asserted that the Respondent has not made a bona fide or legitimate offering of goods or services under the disputed domain name. In this regard, the Complainant has submitted that not only is there no disclaimer on the website to which the disputed domain name resolves, but that the website features the Complainant’s distinctive EUREX mark and masquerades as if it is owned by or authorised by the Complainant when this is not the case. The Complainant has alleged that the cryptocurrency trading services promoted on the website at the disputed domain name are identical to the services offered by the Complainant under the EUREX mark.

The Complainant notes and has provided evidence that its fraud division received a report that at least one individual had been the subject of a scam through the website at the disputed domain name. An internet user had been confused into believing that the website was operated by the Complainant and as a result had invested and lost USD 150,000. The Complainant has noted that although the website at the disputed domain name has been disconnected by the current host provider for the time being, that it could re-occur under another host provider at any time. The Complainant submits that this sort of fraudulent conduct can never confer legitimate rights or interests on a Respondent. The Panel agrees and finds that the Complaint succeeds in relation to the second element of the Policy.

The disputed domain name was registered long after the registration of the Complainant's EUREX trade marks and is a coined unusual term which is extremely unlikely to have been registered by the Respondent coincidentally. Considering that the EUREX

mark is used on the website at the disputed domain name in relation to the same type of services as offered by the Complainant, it is more than likely that the Respondent was well aware of the Complainant's trade mark and business upon registration of the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Respondent in this case has used the disputed domain name containing the Complainant’s EUREX trade mark to confuse Internet users and to re-direct them to its own website offering commercial cryptocurrency services and which features the Complainant's EUREX mark. Internet users arriving at the website who are seeking the Complainant’s business are likely to be confused into thinking that the website is operated by the Complainant, or is endorsed by the Complainant. This conduct fulfils the requirements of paragraph 4(b)(iv) of the Policy which is evidence of registration and use of the disputed domain name in bad faith.

In addition, the Complainant has submitted evidence of an alleged fraud on the website at the disputed domain name resulting in a substantial loss to an Internet user. These circumstances have not been denied by the Respondent who has failed to respond to the Complainant. Evidence of fraudulent conduct from the website at the disputed domain name reinforces the Panel's view of the Respondent's us of the disputed domain name in bad faith. Accordingly, the Complaint succeeds under the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eurexplax.com**: Transferred

PANELLISTS

Name	**Mr Alistair Payne**

DATE OF PANEL DECISION 2025-07-25

Publish the Decision