Decision for dispute CAC-UDRP-107811

Case number	CAC-UDRP-107811
Time of filing	2025-08-08 09:37:13
Domain names	eurexfx.vip, eurexfx.icu

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Deutsche Börse AG

Complainant representative

Organization	Grünecker Patent und Rechtsanwälte PartG mbB

Respondent

Organization	ksjofwpweipwehrpwtsjweoirppwe

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the Disputed Domain Names.

IDENTIFICATION OF RIGHTS

Complainant states, and provides documentation in support thereof, that it is the owner of multiple registrations for trademark EUREX (the "EUREX Trademark"), including Int'l Reg. No. 635015 (registered December 5, 1994); EU Reg. No. 000744763 (registered June 8, 1999); and UK Reg. No. UK00001561905 (registered July 14, 1995).

FACTUAL BACKGROUND

Complainant states that it is "one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide"; and that it "has customers in Europe, the USA and Asia, who are serviced by more than 10.000 employees at 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."

Each of the Disputed Domain Names was created on June 14, 2025. According to the Complaint, the Disputed Domain Name <eurexfx.vip> is used in connection with a website that "prominently displays the EUREX name and mark in large, stylized font throughout the site. Phrases such as 'TRADING REDEFINED FOR YOU' and 'WHY EUREX' appear alongside interactive menus for trading services including Forex, CFDs, Equities, and Commodities. These are core sectors in which the Complainant operates under the EUREX brand. The entire structure of the site mimics a legitimate financial services platform." According to the Complaint, the Disputed Domain Name <eurexfx.icu> "is not currently hosting active content."

PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that each of the Disputed Domain Names is confusingly similar to the EUREX Trademark because each of them "incorporate[s] the distinctive EUREX Marks only adding the descriptive element '-fx', a well-known acronym for Foreign Exchange, an asset class traded by investors, institutions, and governments. As well as the generic top-level domains '.vip' and '.icu'."

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because, inter alia, "Complainant has not licensed, permitted, or otherwise authorized the Respondent to use its EUREX trademark or to register domain names incorporating it"; "[t]o the best of the Complainant's knowledge, the Respondent is not commonly known by the name 'EUREX' or any variation thereof, including 'EUREXFX'"; "[t]he website under <eurexfx.vip> purports to offer financial and trading services, including forex, equities, and CFDs—services that directly overlap with the Complainant's business activities"; and "Respondent's use of the Complainant's famous and distinctive EUREX mark in combination with the term 'FX' (a widely known abbreviation for 'foreign exchange') strongly implies an attempt to create a false association with the Complainant's financial trading services."

Paragraph 4(a)(iii): Complainant states that the Disputed Domain Names were registered and are being used in bad faith because, inter alia, the Disputed Domain Name <eurexfx.vip> "is being actively used to impersonate the Complainant [as described above] and mislead internet users for commercial gain" and employs "language [that] falsely implies legitimate ownership of the EUREX brand, further reinforcing the deception"; "[t]he addition of 'fx' (commonly known to refer to foreign exchange) to the well-known EUREX mark directly targets the Complainant's area of business"; registration of both Disputed Domain Names "suggest[s] a pattern of abuse"; and the passive holding doctrine applies to the Disputed Domain Name <eurexfx.icu>.

No administratively compliant response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Disputed Domain Names are 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 UDRP).

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 UDRP).

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 UDRP).

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

Identical or Confusingly Similar: Paragraph 4(a)(i)

The trademark references and documentation provided by Complainant are sufficient to establish that Complainant has rights in the EUREX Trademark.

As to whether the Disputed Domain Names are identical or confusingly similar to the EUREX Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Names only (i.e., "eurexfx") because "[t]he applicable Top Level

Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

Here, each of the Disputed Domain Names contains the EUREX Trademark in its entirety. As set forth in section 1.7 of WIPO Overview 3.0: "[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

As to the addition of the letters "fx," section 1.8 of WIPO Overview 3.0 says: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." The panel finds that, despite the inclusion of additional letters, the EUREX Trademark is recognizable within each of the Disputed Domain Names.

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

Rights or Legitimate Interests: Paragraph 4(a)(ii)

Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because, inter alia, "Complainant has not licensed, permitted, or otherwise authorized the Respondent to use its EUREX trademark or to register domain names incorporating it"; "[t]o the best of the Complainant's knowledge, the Respondent is not commonly known by the name 'EUREX' or any variation thereof, including 'EUREXFX'"; "[t]he website under eurexfx.vip purports to offer financial and trading services, including forex, equities, and CFDs—services that directly overlap with the Complainant's business activities"; and "Respondent's use of the Complainant's famous and distinctive EUREX mark in combination with the term 'FX' (a widely known abbreviation for 'foreign exchange') strongly implies an attempt to create a false association with the Complainant's financial trading services."

WIPO Overview 3.0, section 2.1, states: "While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the UDRP.

Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

By using the Disputed Domain Name <eurexfx.vip> in connection with a website that offers the same type of service offered by Complainant in connection with the EUREX Trademark, Respondent is clearly and intentionally "creating a likelihood of confusion" with the EUREX Trademark, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., Arla Foods amba v. Jucco Holdings, WIPO Case No. D2006-0409 ("the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith"); F. Hoffmann-La Roche AG v. Clear Foto, WIPO Case No. D2009-0501 (finding bad faith where respondent's website "offers some competing services"); and Beachbody, LLC v. Liu Wan, WIPO Case No. D2012-1407 (finding bad faith where complainant alleged that disputed domain name "resolved to a website with similar content").

As to the Disputed Domain Name <eurexfx.icu>, WIPO Overview 3.0, section 3.3, states:

> From the inception of the UDRP, panelists have found that 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.
>
> While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

Here, the EUREX Trademark appears to be distinctive and to have a high degree of reputation, given that it has been used for many years, is protected by numerous registrations, and is used by a company that has more than 10,000 employees in many offices around the world. Further, Respondent did not submit a response or provide any evidence of actual or contemplated good-faith use. And it is implausible to conceive of any good faith use to which the Disputed Domain Name <eurexfx.icu> may be put.

Finally, by registering the two Disputed Domain Names in this case, Respondent has acted in bad faith pursuant to paragraph 4(b)(ii) of the Policy, which provides that bad faith is evidenced where a registrant has "registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the registrant has] engaged in a pattern of such conduct." See, e.g., Inter-Continental Hotels Corporation v. James Alex, Design Factory, WIPO Case No. D2010-0974 (finding bad faith where complainant alleged that "two domain names… indicate[] a 'pattern' of conduct by Respondent"); and Telstra Corporation Limited v. Ozurls, WIPO Case No. D2001-0046 ("[a] 'pattern of conduct' as required in Paragraph 4.b.(ii) typically involves multiple domain names directed against multiple Complainants, but may involve multiple domain names directed against a single Complainant").

Accordingly, the Panel finds that Complainant has proven 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. **eurexfx.vip**: Transferred
2. **eurexfx.icu**: Transferred

PANELLISTS

Name	**Douglas Isenberg**

DATE OF PANEL DECISION 2025-09-18

Publish the Decision