Decision for dispute CAC-UDRP-107887

Case number	CAC-UDRP-107887
Time of filing	2025-08-28 09:30:07
Domain names	LUCURA-INSURANCE.COM

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	BASF SE

Complainant representative

Organization	Convey srl

Respondent

Organization	Njalla Okta LLC

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:

European Union Trademark LUCURA (word) registration No. 018987238 filed on February 16, 2024 and registered on June 4, 2024;

The Complainant is the parent company of Lucura Versicherungs AG, which is its German captive insurance company.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant was founded in Mannheim, Germany in 1865. As of 2024, The Complainant's business is organized into 11 divisions, which are grouped into six segments: Chemicals, Materials, Industrial Solutions, Surface Technologies, Nutrition & Care and Agricultural Solutions. The Complainant has subsidiaries and joint ventures in more than 80 countries and operates six integrated production sites and 390 other production sites in Europe, Asia, Australia, the Americas and Africa. The Complainant has customers in more than 190 countries.

Lucura Versicherungs AG is the Complainant’s German captive insurer company, which operates exclusively as a captive insurer in

Italy. Essentially, Lucura Versicherungs AG is a German insurance company controlled by the Complainant to cover its own business risks.

Lucura Versicherungs AG has been operating for years as a direct insurer and reinsurer in Germany, Belgium, France, Italy, China, and other countries where the BASF Group operates.

The first denomination of the LUCURA company was “Lucura Rückversicherungs AG”. Its first registration in the Companies Register dates from 1991 while in 2012 its denomination changed to the current one, which is “Lucura Versicherungs AG”.

According to the Complainant’s submissions, the name "LUCURA" has been used for many years as the official name of Lucura Versicherungs AG, headquartered in Ludwigshafen am Rhein. The company is regularly cited in financial statements and official documents as a central entity in the Complainant Group's insurance strategy, where it plays a key role as the "central internal risk" within the Corporate Insurance Strategy.

The disputed domain name was registered on February 28, 2023, and currently it is inactive. According to the Complainant’s submission, it was previously used to redirect users to the website of the German Federal Financial Supervisory Authority (BaFin), specifically to the page dedicated to the company Lucura Versicherungs AG.

On August 7, 2025, the Complainant sent the Respondent a cease-and-desist letter, which remains unanswered.

PARTIES CONTENTIONS

The Complainant contends that:

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 trademark “LUCURA”, and that the addition of the term “insurance” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark LUCURA. On the contrary, the addition of the term “insurance” exacerbates the likelihood of confusion between the disputed domain name and the Complainant’s trademark, as it directly refers to the Complainant’s business.

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 disputed domain name has been registered and is being used in bad faith

The Complainant claims and documents that the disputed domain name has been used in connection with a fraudulent scheme whereby the Respondent impersonates the Complainant. Specifically, the Respondent impersonates the Complainant by offering insurance policies for sale under the name of Lucura Versicherungs AG.

Therefore, the Complainant asserts that such use of the disputed domain name cannot be considered a legitimate or fair use, as the Respondent is undoubtedly attempting to deceive unaware users by impersonating the Complainant with the intention to benefit from the trademark reputation of the Complainant and to illegitimately trade on the Complainant’s renowned trademark LUCURA for commercial gain.

The Complainant further contends that the Respondent is a serial cybersquatter, having been found to have registered and used many other domain names in bad faith. In support of this thesis the Complainant has provided a list of 37 UDRP cases filed against the current Respondent.

The Complainant contends that the registration and intensive use of the trademark LUCURA since 1991, and the use of the Complainant's trademark LUCURA for the purpose of impersonating the Complainant, show that the Respondent was fully aware of the Complainant’s trademark LUCURA and that the Respondent intentionally targeted the Complainant when it registered the disputed domain name.

Furthermore, the Complainant points out that according to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”), in certain limited circumstances where the facts of the case establish that the respondent’s intent in registering the domain name was to unfairly capitalize on the complainant’s nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith.

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

Procedural Considerations

From the case file it appears that the disputed domain name was registered on February 16, 2023, namely one year before the Complainant’s filing of the European Union Trademark LUCURA, registration No. 018987238 i.e. on February 28, 2024.

This Panel thus notes that according to paragraph 1.1.3 of the WIPO Jurisprudential Overview 3.0, the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must however be in existence at the time the complaint is filed.

In addition, the fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant’s standing to file a UDRP case, nor a panel’s finding of identity or confusing similarity under the first element.

However, where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent’s bad faith.

A) Confusing similarity

The Panel agrees with the Complainant's assertions that the addition of the distinctive term, “insurance”, does not prevent the disputed domain name from being confusingly similar to the Complainant’s trademark; on the contrary it exacerbates the likelihood of confusion between the disputed domain name and the Complainant’s trademark and activity, as it directly refers to the Complainant’s business.

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 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 or 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 reputation, and the addition of a term, “insurance”, that directly refers to the Complainant’s business, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. Another indication is given by the fact that the disputed domain name was used to redirect users to the website of the German Federal Financial Supervisory Authority (BaFin), specifically to the page dedicated to the company Lucura Versicherungs AG, 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.

Thirdly, it appears from the document provided by the Complainant that the Respondent has been found to have registered and used numerous other domain names in bad faith.

Fourthly, the Respondent has not denied the Complainant’s trademark rights, nor has it contested any of the assertions made by the Complainant regarding its lack of legitimate interests or those concerning its bad faith in registering and using the disputed domain name.

Fifthly, as an additional circumstance, as affirmed by previous Panels, the failure to respond to a cease-and-desist letter can be indicative of bad faith.

Owing to the above, the Panel’s view, in agreement with paragraph 1.1.3 of the WIPO Jurisprudential Overview 3.0, is that the fact that the disputed domain name was registered before the Complainant’s filing of the LUCURA trademark is covered under the exceptional circumstances where the facts of the case establish that the Respondent’s intent in registering the domain name was to unfairly capitalize on the Complainant’s (as yet unregistered) trademark rights.

In this sense in Marden Group B.V. v. Tucows.com.co, WIPO Case No. D2011-1061 the panel finding was that: “omissis there had been trade mark use of the term "betsafe" prior to the time that the Domain Name was registered and that the Domain Name was registered with knowledge of that use and with the intention of taking advantage of the reputation that had or would attach to that term by reason of that use. Therefore, the fact that at that time the Complainant had not applied for or obtained a registered trade mark for that term, does not prevent a finding of bad faith registration and use”.

The Panel thus considers that the Respondent must have had the Complainant and its rights in the LUCURA name in mind when it registered the disputed domain name and has therefore acted in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **LUCURA-INSURANCE.COM**: Transferred

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2025-10-07

Publish the Decision