Decision for dispute CAC-UDRP-107948

Case number	CAC-UDRP-107948
Time of filing	2025-09-29 09:37:58
Domain names	ftmo.world

Case administrator

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

Complainant

Organization	FTMO s.r.o.

Respondent

Organization	MORPHEUSNESS 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 states, and provides documentation in support thereof, that it is the owner of the following trademarks:

- European Union trademark registration No. 018171821, filed on 23 December 2019, in classes 35, 41 and 42;
- UK trademark registration No. UK00918171821, filed on 23 December 2019, in classes 35, 41 and 42;
- US trademark registration No. 88725923, filed on 13 December 2019, in classes 41 and 42;
- Australian trademark registration No. 2491347, filed on 17 October 2024, in classes 9, 35, 36, 41 and 42.

The Complainant has been providing its services under the FTMO brand, using the domain name <ftmo.com> since at least since 2019.

The disputed domain name was registered on 22 March 2025 and has an active website.

FACTUAL BACKGROUND

The Complainant operates the business under the FTMO brand, offering educational and training services in the area of trading various financial instruments via a simulated environment, which provides customers with an opportunity to test and develop their trading and risk management skills.

The Complainant operates its business via the website presented on the domain name <ftmo.com>. The Complainant has provided proof of the ownership of various trademark registrations in particular in the EU, the USA or Australia.

The disputed domain name was registered on 22 March 2025 and is providing an active webpage presenting a copy of the Complainant’s official website.

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.

The Complainant makes a number of legal arguments and also supplies a set of annexes providing evidence of its activities and of the Respondent's webpage as a mere copy of the Complainant's website.

No administratively compliant Response has been filed by the Respondent.

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

Notwithstanding the fact that no Response has been filed, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

- that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- that the disputed domain name was registered and is being used in bad faith.

1. Identical or confusingly similar: Paragraph 4(a)(i)

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

As to whether the disputed domain name is identical or confusingly similar to the trademark, the relevant comparison to be made is with the second-level portion of the disputed domain name only i.e. "ftmo.world" because “[t]he applicable Top Level Domain (‘TLD’) in a domain name (e.g. '.world') 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.

The disputed domain name reproduces identically the Complainant’s FTMO registered trademark.

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

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

The Respondent is not commonly known by the disputed domain name and the Respondent's Whois information is not similar to the disputed domain name. The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with the Complainant. No authorization has been granted to the Respondent by the Complainant to use its FTMO trademark.

The disputed domain name resolves to a webpage which appears to be a copy of the Complainant's website content.

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 Policy.

3. 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 Policy may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the Policy:

(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.

On top of not having a legitimate interest or not having challenged the Complainant's assumption, the Respondent has merely copied the Complainant's website contents. It has thus clearly for intent to abuse the internet user or customer. The Respondent, who could not ignore the existence of the Complainant's trademark as well as its commercial name, for not only reproducing identically the disputed domain name and the website content, attempted to attract, for commercial gain, internet users by creating an undisputable risk of confusion.

Furthermore, the pattern of conduct of the Respondent's website constitutes a fraudulent operation (scam), with the intent to deceive and defraud users by soliciting payments for such non-existent services.

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. **ftmo.world**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2025-11-05

Publish the Decision