Decision for dispute CAC-UDRP-107991

Case number	**CAC-UDRP-107991**
Time of filing	**2025-09-29 09:59:44**
Domain names	**eon-energie-deutschland.com**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**E.ON SE**

Complainant representative

Organization	**Lubberger Lehment Rechtsanwälte Partnerschaft mbB**

Respondent

Name	**Denis Bolovan**

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 a number of trademarks, inter alia the following registrations:

- EUTM No. 002361558 for E.ON, registered on December 19, 2002 in classes 35, 39 and 40;
- EUTM No. 002362416 for e.on, registered on December 19, 2002 in classes 35, 39 and 40; and
- EUTM 006296529 e.on, registered on June 27, 2008 in classes 07, 36, 37 and 40; and
- EUTM 0876364 e.on & dev., registered on September 09, 2005 in classes 4, 35, 39, 40.

FACTUAL BACKGROUND

The Complainant is E.ON SE, which is a member of Euro Stoxx 50 stock market index, DAX stock index and of the Dow Jones Global Titans 50 index. E.ON SE belongs to the E.ON Group which is 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 disputed domain name was registered on September 22, 2025. The Whois record does not disclose the registrant’s identity or contact details. At the time of this decision, the website under the disputed domain name is inactive. However, at the time of filing the Complaint, the website reproduced the overall look and feel of the Complainant’s legitimate site, including its layout, color scheme, and branding. The site also contained a deceptive request for payment of an alleged energy bill.

The Complainant's cease-and-desist communication sent to the Respondent's email address received no substantive response.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) The disputed domain name is confusingly similar to the Complainant's E.ON trademarks. It reproduces the mark in its entirety, omitting only the dot, which does not affect the distinctive character. The additional descriptive term "energie-deutschland" merely reinforces the association with the Complainant, as it directly relates to its business activity and principal market in Germany. The gTLD ".com" is irrelevant to the assessment of similarity.

(2) the Respondent is neither affiliated with nor authorized by the Complainant. The Respondent is not commonly known by the disputed domain name and is not making a bona fide or non-commercial use. Instead, the Respondent operates a fraudulent website imitating the Complainant's official platform, misleading users into entering personal data and believing they are interacting with E.ON. Such conduct cannot establish any legitimate interest.

(3) The Respondent intentionally registered and used the domain name to impersonate the Complainant and attract users for commercial gain. The imitation of E.ON's website demonstrates full awareness of the Complainant's rights and brand reputation. The lack of any contact details or response to the cease-and-desist notice confirms bad faith.

The Complainant requests the transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant's contentions.

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 burden for the Complainant under paragraph 4(a) of the Policy is to prove:

a) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark in which the Complainant has rights;

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

c) that the disputed domain name has been registered or is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

Moreover, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") and, where appropriate, will decide consistent with the consensus views captured therein.

a) Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, it should be established that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

The Complainant has demonstrated ownership of its E.ON trademark in various jurisdictions, including in Germany, where the Respondent resides. Therefore, the Panel is satisfied that the Complainant has registered trademark rights. See WIPO Overview 3.0, section 1.2.1.

With the Complainant's rights established, the next step is to determine whether the disputed domain name is identical or confusingly similar to the Complainant's mark. As clarified in WIPO Overview 3.0, section 1.7, this element functions primarily as a standing requirement, and the test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's mark and the disputed domain name. The assessment focuses on whether the Complainant's mark is recognizable within the domain name.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark E.ON, as it reproduces the mark in its entirety and is clearly recognizable within the domain name. The omission of the dot between "E" and "ON" does not diminish the recognizability of the mark. On the contrary, the element "eon" remains visually and phonetically identical to the Complainant's mark and will be perceived by Internet users as a direct reference to the Complainant.

Furthermore, the addition of the descriptive and geographic term "energie-deutschland" does not prevent a finding of confusing similarity. On the contrary, it reinforces the association with the Complainant, referring both to its energy-related business and its principal market in Germany. In line with established UDRP practice, the generic Top-Level Domain ".com" is disregarded when assessing confusing similarity. See WIPO Overview 3.0, section 1.11.

The Panel therefore concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and the requirement under paragraph 4(a)(i) of the Policy is satisfied.

b) Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of "proving a negative", in particular as the evidence needed to show the Respondent's rights or legitimate interests is often primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a prima facie case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name to meet the requirements of paragraph 4(a)(ii) of the Policy.

In the instant case, the Complainant asserts that the Respondent is not authorized by the Complainant to use its trademark. The Respondent does not seem to be affiliated with the Complainant in any way. There is no evidence that the term "E.ON" is the Respondent's name or that the Respondent is commonly known under this name. There is also no evidence that the Respondent is, or has ever been, a licensee of the Complainant or that the Respondent has ever asked, or has ever been permitted in any way by the Complainant to register or use the trademark, or to apply for or use any domain name incorporating the trademark.

The use of the disputed domain name does not qualify as a bona fide offering under the UDRP. On the contrary, the Respondent's website misrepresents itself as belonging to the Complainant. It uses the Complainant's trademark and overall branding, reproduces the Complainant's corporate identity, and presents itself as an official E.ON platform. The website's design, color scheme, and content closely mimic those of the Complainant's legitimate website, reinforcing the false impression of an authorized association. The site even includes a request for payment of an alleged energy bill, which demonstrates its fraudulent nature.

The Complainant's attempts to reach the Respondent, including a cease-and-desist communication, resulted in no substantive response. The Whois record does not disclose the registrant's identity or contact details, and the Respondent remains unidentified. This conduct, combined with the deceptive use of the Complainant's mark, confirms that the Respondent is operating under a false identity and engaging in fraudulent activity.

These circumstances clearly demonstrate that the Respondent is not commonly known by the disputed domain name, nor is it making any legitimate noncommercial or fair use of it. Rather, it is intentionally misleading consumers and diverting Internet traffic for commercial purposes.

Therefore, the Panel finds that the Complainant has established a strong prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is established, the burden shifts to the Respondent to demonstrate rights or legitimate interests under paragraph 4(c) of the Policy.

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

c) Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

The Complainant's trademark registrations for E.ON significantly predate the registration of the disputed domain name. The evidence shows that the Complainant's trademarks were registered and widely known long before the Respondent's registration in September 2025. The Complainant's marks are distinctive and well-recognized within the energy sector, identifying one of Europe's largest operators of energy networks and infrastructure, and a leading provider of innovative customer solutions serving millions of customers across Europe.

The Respondent's incorporation of the Complainant's mark E.ON in its entirety, combined with the descriptive and geographical term "energie-deutschland", strongly suggests that the Respondent was fully aware of the Complainant and its reputation at the time of registration. It is inconceivable that the Respondent independently selected this domain name without prior knowledge of the Complainant, given the mark's distinctiveness and the Complainant's extensive public presence.

The website to which the disputed domain name previously resolved replicated the Complainant's official online presence, reproducing its logo, corporate identity, layout, and color scheme. The site also featured deceptive elements such as a "Stromrechnung" (electricity bill), customer service references, and a form requesting personal data, thereby reinforcing the false impression that it was an official E.ON portal. The inclusion of a payment request for an alleged energy bill further evidences the fraudulent intent of the Respondent's activities.

The Respondent's conduct also demonstrates deliberate concealment. The website contained no imprint or identifying information, and the Whois record lists only the registrar's contact details rather than those of the actual registrant. This intentional anonymity, coupled with the imitation of the Complainant's website, clearly indicates an attempt to mislead Internet users into believing that the disputed domain name is operated by, or affiliated with, the Complainant.

On the balance of the evidence, the Panel finds that the Respondent's registration of the disputed domain name was driven by the notoriety and goodwill of the Complainant's trademark. The Respondent's use of the domain name to host a deceptive, imitation website is a textbook example of bad faith under paragraph 4(b)(iv) of the Policy, which applies where "the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement".

Further indicators of bad faith include:

- the use of fictional company officers and false contact information;
- the deliberate concealment of the Respondent's identity, both on the website (which contains no imprint or identifying details) and in the Whois record;
- the failure to respond to the Complainant's cease-and-desist communication, reinforcing the absence of any legitimate interest;
- the replication of the Complainant's logo, corporate identity, and service offerings, creating a false impression of affiliation;
- the inclusion of fraudulent billing requests designed to deceive users; and
- the collection of personal data through forms purporting to belong to the Complainant.

Taken together, these facts demonstrate a deliberate and sustained effort by the Respondent to exploit the Complainant's reputation and mislead consumers for commercial gain. Such conduct leaves no doubt that the disputed domain name was both registered and used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eon-energie-deutschland.com**: Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-11-05