Decision for dispute CAC-UDRP-108054

Case number	CAC-UDRP-108054
Time of filing	2025-10-21 14:10:16
Domain names	exeurex-trade.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

Name	:fghfghfghfg baby

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 has provided evidence of ownership of the several EUREX trademarks, including the following:

- European Trademark EUREX No. 000744763 registered on November 27, 1997, duly renewed and designating goods and services in international classes 9, 16, 35, 36, 38, 42;
- European Trademark EUREX No. 000758938 EUREX (and design) registered on November 27, 1997, duly renewed and designating goods and services in international classes 9, 16, 35, 36, 38, 42.

FACTUAL BACKGROUND

The Complainant, Deutsche Börse AG., is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide. The Complainant has provided evidence of ownership of numerous trademark registrations for the marks "EUREX".

The disputed domain name was registered on 6 August 2005 and resolves to an error page at the time or drafting of the present Decision. The disputed domain name used to resolve to an active website bearing the Complainant's marks.

PARTIES CONTENTIONS

COMPLAINANT

The disputed domain name is confusingly similar to the Complainant's trademark EUREX and its domain names. The Complainant contends that the disputed domain name exactly reproduces the well-known trademark "EUREX", with the mere addition of the prefix "ex" which relates to currency exchange, and the suffix "trade" with obvious references to the Complainant's financial activity.

Per the Complaint, the Respondent is not known by the disputed domain name. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way and that Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not use the domain name for legitimate or non-commercial fair use, per the Complainant. Indeed, the disputed domain name was used, at the time of submission of the Complaint, in connection with a website impersonating the Complainant.

As regards the bad faith of the Respondent, the disputed domain name includes the distinctive trademarks EUREX. It is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Furthermore, the Complainant argues that the Respondent intentionally attempted to divert Internet users by creating a likelihood of confusion, and that the Respondent primarily intended to disrupt the Complainant's business by registering the disputed domain name. The Complainant further submits that the main purpose of the Respondent was to use the website associated with the disputed domain name, to defraud Internet users by impersonating the Complainant. Additional arguments from the Complainant refer to material copied from the website of the Japanese company BitBank Inc, a third party to this proceeding.

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

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:

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

A. Identical or Confusingly Similar

The Complainant must establish that it has a trademark or service mark and that the disputed domain name is identical or confusingly similar to that trademark or service mark for the Complainant to succeed.

The Complainant, Deutsche Börse AG., is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide. The Complainant has provided evidence of ownership of numerous trademark registrations for the marks "EUREX".

As regards the question of identity or confusing similarity for the purpose of the Policy, it requires a comparison of the disputed domain name with the trademarks in which the Complainant holds rights. According to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), "this test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name".

Also, according to section 1.7 of the WIPO Overview 3.0, "in 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".

The "EUREX" mark is clearly recognizable within the disputed domain name, with the addition of the generic terms "ex" (related to currency or stock exchange) and "trade" related to the Complainant's core business. This addition is not important enough to distinguish between the earlier trademarks of the Complainant and the disputed domain name, and does not prevent a finding of confusing similarity with the Complainant's trademarks.

It is well accepted by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark.

This Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and therefore finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(c) of the Policy, any of the following circumstances, if found by the Panel, may demonstrate the respondent's rights or legitimate interests in the disputed domain name:

i. before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
ii. the respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
iii. the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The consensus view of UDRP panels on the burden of proof under paragraph 4(a)(ii) of the Policy is summarized in section 2.1 of the WIPO Overview 3.0, which states: "[…] 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 evidence on record does not show that the Respondent was commonly known, as an individual or an organization, by the disputed domain name.

The Panel also accepts, in the absence of a rebuttal from the Respondent, that the Respondent uses the Complainant's trademarks in the disputed domain name without authorization from the Complainant.

Equally, the Panel finds that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name. Quite to the contrary, the Complainant successfully argued in much detail that the Respondent has been using the disputed domain name in relation to an active website impersonating the Complainant and duplicating content from the website of a third-party cryptocurrency provider, without authorization from the Complainant. The Respondent has been using the domain name to impersonate the Complainant without any right, which is neither a legitimate, noncommercial or fair use under the Policy.

Therefore, the Panel concludes that the Respondent has no right or legitimate interests in the disputed domain name and therefore finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registration and Use in Bad faith

For the purpose of Paragraph 4(a) (iii) of the Policy, the following circumstances, in particular but without limitation, if found by the

Panel to be present, shall be evidence of the registration and use of the domain names in bad faith:

i. circumstances indicating that the holder has registered or 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 holders documented out-of-pocket costs directly related to the domain name; or
ii. the holder 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 holder has engaged in a pattern of such conduct; or
iii. the holder has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
iv. by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder'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 your website or location or of a product or service on the holder's website or location.

The Panel finds the third and fourth elements of Paragraph 4(b) of the Policy applicable in the present case. The evidence on the record shows that the Respondent was certainly aware of the existence of the Complainant and of the rights of the Complainant, and that the Respondent, by registering and using the disputed domain name has intentionally attracted internet users by creating a likelihood of confusion with the Complainant's trademark.

Given the long-lasting reputation of the Complainant’s marks, the Respondent cannot have ignored the Complainant’s earlier rights, neither can the Respondent have ignored that, when registering the domain name, they would do so in violation of the Complainant’s earlier rights.

In addition, the current use of the disputed domain name by the Respondent amounts to bad faith, given the fact that the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain name. Whether the Respondent used the disputed domain name for phishing purposes, or planned or prepared to do so, the Panel finds that the Respondent acted in bad faith. The Respondent registered the domain name because in all probability he knew of the Complainant and the type of services offered by the Complainant and tried to attract Internet users for commercial gain by “spoofing” and “phishing”. The Panel concludes that the Respondent purposedly registered the disputed domain name in an attempt to defraud the Complainant’s consumers, thereby disrupting the Complainant’s business.

Moreover, the use of obviously fanciful details in the WHOIS contact details of the domain names by the Respondent, equally shows the Respondent’s bad faith in the registration and subsequent use of the disputed domain name.

The Respondent's lack of reply to the Complaint also corroborates this finding of the bad faith.

The Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith, and therefore finds that the requirement of paragraph 4(a)(iii) of the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **exeurex-trade.com**: Transferred

PANELLISTS

Name	**Arthur Fouré**

DATE OF PANEL DECISION 2025-11-18

Publish the Decision