Decision for dispute CAC-UDRP-108066

Case number	**CAC-UDRP-108066**
Time of filing	**2025-10-21 11:03:32**
Domain names	**e-on.energy**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**E.ON SE**

Complainant representative

Organization	**Lubberger Lehment Rechtsanwälte Partnerschaft mbB**

Respondent

Name	**Zanguebi Kbanagir**

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 relies on a number of "E.ON" trademark registrations including the following:

- European Union (EU) trademark No. 002361558 "E.ON" (word), registration date - December 19, 2002;
- EU trademark No. 002362416 "e.on" (word), registration date - December 19, 2002 and
- EU trademark No. 006296529 "e.on" (word), registration date - June 27, 2008.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant submits that it is one of Europe's largest operators of energy networks and energy infrastructure and a provider of innovative customer solutions for approximately 48 million customers.

The Complainant claims that the disputed domain name is confusingly similar to its trademarks referred to above as it reproduces the "e.on" trademark in its entirety, only without the dot.

The gTLD .energy shall be disregarded for the purpose of the confusing similarity analysis because it only performs a technical function.

Moreover, the Complainant asserts that in this specific case, the TLD leads to a higher degree of likelihood of confusion because the Complainant provides services in the energy sector.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In particular, the Respondent is not making a legitimate non-commercial or fair use of the domain name.

The Complainant alleges that the Respondent uses the disputed domain to operate a fake website that impersonates the Complainant.

It is well established that the use of a domain name for fraudulent activity can never confer rights or legitimate interests on a respondent.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant claims that the disputed domain name is identical to its well-known trademark.

The website at the disputed domain name impersonates the Complainant and this proves that the Respondent was aware of the Complainant and its trademarks.

The disputed domain name was registered on October 15, 2025 and the Respondent concealed its identity.

Based on the above, the Complainant claims the disputed domain name was registered and is being used in bad faith.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the Factual Background section above.

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

A. Identical or confusingly similar

The Complainant provides evidence of the EU trademark registrations in respect of the “E.ON” marks.

As confirmed by the “WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition” (“WIPO Overview 3.0”): “where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case” (see sec. 1.2.1). Therefore, the Complainant proved it has trademark rights

The trademark of the Complainant is fully incorporated in the disputed domain name with an omission of the dot between "e" and "on", but this does not eliminate confusing similarity.

The trademark of the Complainant is clearly recognizable within the disputed domain name.

While a TLD is usually disregarded for the first element analysis, the .energy TLD actually increases confusion as it is directly related to the Complainant's business.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule in UDRP jurisprudence is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such a prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see **“Julian Barnes v. Old Barn Studios”, WIPO Case No. D2001-0121** and sec. 2.1 of WIPO Overview 3.0.

The Respondent did not respond.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate, see paragraph 14(b) of the Rules and **CAC Case No. 101284**: “A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant”.

The Complainant has made a prima facie case of the Respondent’s lack of rights or legitimate interests.

The disputed domain name was registered on October 15, 2025. It does not resolve to any active page on the date of this decision however, it previously resolved to a website that impersonated the Complainant, displaying the Complainant's logo and providing a log-in page. It claimed to be a website of one of the Complainant's companies.

The Panel agrees with the position expressed in WIPO Overview 3.0: “Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, **phishing**, distributing malware, unauthorized account access/hacking, **impersonation/passing off**, or other types of fraud) can never confer rights or legitimate interests on a respondent” (see sec. 2.13.1).

Besides, under sec. 2.5 of WIPO Overview: “Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry”.

Here the disputed domain name is nearly identical to the Complainant's trademark and this, in the Panel's view, falsely suggests affiliation with the Complainant, taking into account actual use of the disputed domain name for impersonation.

Therefore, the Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith.

These circumstances are non-exhaustive and other factors can also be considered in deciding about the bad faith element.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark (see sec. 3.1 of WIPO Overview 3.0).

Cybersquatting or abusive registration can be defined as “registration made with bad-faith intent to profit commercially from others' trademarks” (see par. 4.1 c. of the ICANN “**Second Staff Report on Implementation Documents for the Uniform Dispute Resolution**

Policy", 1999).

Targeting with the intent to take unfair commercial advantage of the complainant's mark is important in establishing bad faith under the Policy.

As noted in "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("UDRP Perspectives") in sec. 3.3: "targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties".

The Panel notes that the Complainant's submissions on the bad faith element are rather thin. In particular, the Complainant submitted a screenshot of the website at the disputed domain name that proves impersonation. However, this screenshot contains neither the domain name nor the date and time when it was taken. Besides, the Complainant did not provide any evidence that would support that its trademark is widely-known. The Panel undertook some limited independent research to verify the Complainant's claims (including fraudulent use of the disputed domain name) under Rule 10 and its research confirmed the claims of the Complainant.

Here, direct evidence indicates that the Respondent targeted the Complainant and such targeting was with an intent to profit commercially from the Complainant's trademarks.

The Panel finds that, despite shortcomings in the evidence, the disputed domain name was registered and is being used in bad faith based on the following:

1. The nature of the disputed domain name – confusingly similar and nearly identical to Complainant's trademark and the timing of the registration of the disputed domain name – October 15, 2025, many years after the Complainant obtained protection for its trademarks in the EU. The nature of the disputed domain name creates a high risk of implied affiliation and indicates that the Respondent was aware of the Complainant and its trademark when he registered the disputed domain name.
2. Use of the disputed domain name for possible fraudulent activities and evidence of targeting with the intent to take unfair advantage. As highlighted in WIPO Overview 3.0, sec. 3.1.4: "given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith". While Complainant's evidence is not particularly strong, as indicated above, the Panel is prepared to accept the allegations of the Complainant, taking into account the provided screenshots of the website (albeit without the actual domain name and the date when the screenshot was taken) and the Panel's own research conducted in accordance with Rule 10 that confirmed Complainant's claims. The Panel also notes that there are numerous previous UDRP decisions in relation to the Complainant's trademark, and the Complainant's trademark has been targeted by bad faith actors before.
3. Based on the above, the Panel finds that the Respondent's behavior falls within par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent targeted the Complainant with an attempt to take unfair advantage of the Complainant's mark.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **e-on.energy**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-11-23

Publish the Decision