Decision for dispute CAC-UDRP-108223

Case number	CAC-UDRP-108223
Time of filing	2025-12-12 10:20:19
Domain names	eurex.cloud

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

Organization	Theresa Chavez

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 several trademarks consisting of the word element “EUREX” such as:

- International trademark, designating Belarus, Switzerland, Liechtenstein, Monaco, San Marino and Ukraine for “EUREX” No. 635015 of December 5, 1994, inter alia for class 36 (Financial, monetary and banking services; insurance services; real estate services);
- International trademark, designating Australia, Belarus, Switzerland, Japan, South Korea, Liechtenstein, Norway, Singapore, Turkey, Hungary, Russia and Ukraine for “EUREX” No. 812147 of February 19, 2003, inter alia for class 36;
- EU trademark for “EUREX” No. 000744763 of November 27, 1997, inter alia for class 36;
- EU trademark for “EUREX” No. 000758938 of November 27, 1997, inter alia for class 36;

- German trademark for “EUREX” No. 39756930 of November 27, 1997, inter alia for class 36;
- German trademark for “EUREX” No. 30309064 of February 19, 2003, inter alia for class 36;
- UK trademark for “EUREX” No. UK00001561905 of February 9, 1994, for class 36;
- UK trademark for “EUREX” No. UK00900744763 of November 27, 1997, inter alia for class 36;
- US trademark for “EUREX” No. 2941068 of April 19, 2005, inter alia for class 36.

FACTUAL BACKGROUND

The Complainant is a leading marketplace organizer for financial services, particularly trading in shares and other securities worldwide.

The Complainant is the parent company of Deutsche Börse Group which, inter alia, consists of Eurex Frankfurt AG and Eurex Global Derivatives AG. These subsidiaries organize one of the world’s largest derivative markets under the trademark “EUREX”, operate one of the world’s leading clearinghouses with “EUREX CLEARING” and operate a leading European marketplace for international secured funding and financing with “EUREX REPO”.

The disputed domain name has been created by the Respondent on May 13, 2025. The Website the disputed domain name links to shows the word-element “EUREX” and the Complainant’s “EX” trademark in the top left corner. There is the option to “Recharge” and “Withdraw” as well as to “Trade” commodity derivates of gold, silver, copper, oil and others to USD. In order to “Trade” on the website, one must sign up by inserting a phone number or an e-mail address into a form on the 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.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such conclusions therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain name.

I. Identical or Confusingly Similar disputed domain name

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to be identical to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Uniform Dispute Resolution Policy (the “Policy”).

The Complainant has shown that it has valid trademark rights in “EUREX”.

The disputed domain name is identical to the Complainant’s trademark “EUREX”.

The addition of the gTLD suffix “.CLOUD” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks and does not change the overall impression of the designation as being connected to the trademarks of the Complainant. The top level domain ".cloud is rgarded by the users of the internet as a technical information which classifies and organizes domain names on the internet and is managed under policies set by ICANN.

II. The Respondent’s Rights or Legitimate Interests in the disputed domain name

The Complainant has, to the satisfaction of the Panel, demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name, within the meaning of paragraph 4(a)(ii) of the Policy.

While the overall burden of proof in UDRP proceedings lies with the Complainant, the burden of proof shifts to the Respondent where the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests. If the Respondent fails to provide evidence for its rights or legitimate interests, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (WIPO Case No. D2004-0110 – Belupo d.d. v. WACHEM d.o.o.; WIPO case no. D2003-0455 – Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

The Complainant has established prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not a licensee of the Complainant, nor has the Complainant granted any permission or consent to use its trademarks in a domain name. Further, the Respondent cannot be identified as “EUREX” or a similar name in the Whois database. This is supported by the fact that the domain name does not correspond to the name of the Respondent. There is also no indication, that the Respondent is otherwise commonly known under this name.

Another Panel has also found that this Respondent has no rights or legitimate interests in similar domain names containing the “EUREX” trademark of the Complainant (CAC case no. 107351).

Summarised, Complainant has established the necessary prima facie proof and there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use. Therefore, as the Respondent has not provided any proof to the opposite, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name.

III. The disputed domain name has been registered and is being used in Bad Faith

The Respondent has also registered and is using the disputed domain name in bad faith within the meaning of para. 4 (a)(iii) of the Policy by intentionally attempting to attract internet users to their website by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

The Respondent has registered the disputed domain name in bad faith within the meaning of para. 4 (a)(iii).

The Complainant’s business had already grown into an established and internationally well-known brand at the time the Respondent registered the disputed domain name on May 13, 2025 (see also CAC case no. 104124 – <eurexprime.com>; CAC case no. 104536 – <EUREXKR-com>). The mere registration of a domain name that is identical to a famous or widely-known trademark by an unaffiliated entity by itself creates a presumption of bad faith (WIPO Case No. D2000-0163 – Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.).

Therefore, since the Respondent has not contradicted this presumption and no other proof is at hand in this respect, the Panel concludes that the Respondent has registered the disputed domain name in bad faith within the meaning of para. 4 (a)(iii) of the Policy.

The Respondent is using the disputed domain name in bad faith within the meaning of para. 4 (a)(iii).

The disputed domain name is being used to offer financial products – more specifically: commodity derivates - that are similar to those offered by the Complainant. The intention behind this use is commercial gain, regardless of whether this commercial gain itself is to be achieved by legitimate or fraudulent means. The use of both the "EX" design and the "EUREX" trademark in the top left corner of the website undermine the assumption that the Respondent intends to cause a likelihood of confusion.

Given this, it can be left open, whether the commodities or commodity derivatives offered on the website can actually be purchased or whether, as claimed by the Complainant, this is a case of fraud. Likewise, the alleged "phishing" of personal data can be left open.

Therefore, the Panel concludes that the Respondent is using the disputed domain name in bad faith within the meaning of para. 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. **eurex.cloud**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2026-01-14

Publish the Decision