Decision for dispute CAC-UDRP-108540

Case number	CAC-UDRP-108540
Time of filing	2026-04-01 10:10:53
Domain names	wwwclearstream.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Clearstream Services, société anonyme

Complainant representative

Organization	Grünecker Patent und Rechtsanwälte PartG mbB

Respondent

Organization	Clearstream power washing

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 that it is the owner of the following trademark registrations:

- US national trademark registration No. 2477515 “CLEARSTREAM”, registered on 29 November 1999, for goods and services in classes 9, 36, 42;
- EUTM No. 001403476 “CLEARSTREAM”, registered on 11 December 2000, for products and services in classes 9, 36, 42;
- UK national trademark registration No. UK00901403476 “CLEARSTREAM”, registered on 11 December 2000, for goods and services in classes 9, 36, 42;
- Swiss national trademark registration No. P-516604 “CLEARSTREAM”, registered on 3 December 2003, for products and services in classes 9, 36, 42;
- Canadian national trademark registration No. TMA607002 “CLEARSTREAM”, registered on 5 April 2004, for goods and services in classes 9, 36, 38, 42;
- Brazil national trademark registration No. 82266352 “CLEARSTREAM”, registered on 2 May 2006, for services in class 36;
- Chinese national trademark registration No. 7620435 “CLEARSTREAM”, registered on 28 November 2010, for services in class 36;
- Australian national trademark registration No. 2027265 “CLEARSTREAM”, registered on 3 August 2020, for goods and services in classes 9, 35, 36, 38, 42.

The Complainant proved its ownership of the aforementioned trademark registrations by the submitted extract from the TMView database.

FACTUAL BACKGROUND

The Complainant is Clearstream Services, société anonyme. The Complainant is a leading European supplier of post-trading services. The wholly owned subsidiary of Deutsche Börse AG ensures that cash and securities are promptly and effectively delivered between trading parties. It also manages, safekeeps and administers the securities that it holds on behalf of its customers. Over 300,000 domestic and internationally traded bonds, equities and investment funds are currently deposited with the Complainant. The Complainant maintains relationships with customers in over 110 countries. Its global network extends across 60 domestic markets. Backed by flexible securities lending and collateral management services, the Complainant offers one of the most comprehensive international securities services available, settling more than 250,000 transactions daily.

The disputed domain name <wwwclearstream.com> (hereinafter "disputed domain name") was registered on 2 March 2026. According to the Registrar, the Respondent is 'Clearstream power washing (Jack Simpson)'. The Respondent's address is being situated in Australia.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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 UDRP).

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 UDRP).

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 UDRP).

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

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: “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.”

The WIPO Overview 3.0 in Paragraph 1.7 states: “[…] in cases where a domain name incorporates the entirety of a trademark […] the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.”

The WIPO Overview 3.0 in Paragraph 1.8 states: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. […]”

The WIPO Overview 3.0 in Paragraph 1.11.1 states: “The applicable Top Level Domain (“TLD”) in a domain name (e.g., ”.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”

In the present case, the Complainant has established that it owns numerous national and EUTM trademark registrations for the “CLEARSTREAM” term.

In the disputed domain name, the “CLEARSTREAM” trademark is clearly recognizable. The addition of the generic acronym “www” (i.e. World Wide Web) is not sufficient to prevent the finding of confusing similarity.

This Panel is of the view that the disputed domain name is confusingly similar to the Complainant’s trademark.

The “.com” element of the disputed domain name does not affect the finding of confusing similarity.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfills this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: “Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation.“

In the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>, the Panel stated that: “Here, the WHOIS information of record identifies Respondent as ‘Chad Moston / Elite Media Group.’ The Panel therefore finds under Policy ¶ 4(c) (ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c) (ii).”

The Complainant asserts that the Respondent could not have acquired any rights to the designation “CLEARSTREAM” older than the Complainant’s trademark rights. The Complainant, however, has neither authorized the Respondent to use the “CLEARSTREAM” trademark nor is it otherwise affiliated with the Respondent.

The Complainant contends that there is no use nor any demonstrable preparations thereof concerning any use of the disputed domain name with respect to a bona fide and legitimate offering of goods or services. The Complainant states that there is only a “Coming Soon” page under the disputed domain name, stating “wwwclearstream.com – We’re under construction. Please check back for an update soon.”. Still, even in the absence of an active website under the disputed domain name (as of now), not only does the Respondent not draw the line between itself and the Complainant. Rather to the contrary, the Respondent is actively attempting to impersonate the Complainant, or at least to create the impression of affiliation or endorsement, by registering a typosquatted domain name that omits the dot after “www”. This deliberate manipulation creates a misleading impression of association and diverts Internet users seeking the Complainant’s official website under www.(“dot”)clearstream.com.

The Complainant concludes that while the disputed domain name is not strictly identical to the “CLEARSTREAM” trademarks, the Respondent’s evident intention is to create the very impression of a domain name solely consisting of the “CLEARSTREAM” trademarks through a typosquatting scheme as described above. Internet users are thus given the incorrect impression that they visit a web presence of the Complainant or of a company affiliated with or endorsed by the Complainant.

From the Complainant’s view, the disputed domain name is therefore used for impersonating the Complainant or at least for creating the false impression of an affiliation with the Complainant, and for exploiting the Complainant’s reputation as a reliable supplier of post-trading services to lure Internet users to respective websites in order to generate traffic and to defraud those users. This can never confer rights or legitimate interests on a Respondent.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and the Respondent and that the Respondent does not have authorization in the disputed domain name or in the "CLEARSTREAM" trademarks from the Complainant.

Moreover, the Complainant submitted Whois information from which it is clear that the Respondent is not recognized under the disputed domain name (the Respondent's identification is hidden for Privacy).

Furthermore, the Respondent is passively holding the disputed domain name, because the website corresponding to the disputed domain name is inactive ("Coming Soon" page). The Respondent is clearly not using the disputed domain name nor has any demonstrable plan to use.

The Panel agrees with the Complainant that the typing error (omitting the dot after "www") might be intentional in order to create an impression of association with the Complainant and so divert Internet users to the Respondent's website.

In conclusion, the Panel is of the view that the Respondent has no rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent registered and uses the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1.4 states: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith […]."

The WIPO Overview 3.0 in Paragraph 3.3 states" "While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

In the present case, the Complainant has established that it owns numerous national and EUTM trademark registrations for the "CLEARSTREAM" verbal element.

The Panel finds the disputed domain name to be confusingly similar (see part 1. above). This finding is one of the bad faith indicators.

The Panel is of the opinion that the Respondent must have been aware of the Complainant, its trademark and business activities at the moment of registering the disputed domain name on 2 March 2026.

Following the aforementioned description of the Respondent's conduct in the disputed domain name, the Panel finds that the Respondent's intention in registering the disputed domain name was to divert Internet users to the respective website for the purpose of the Respondent's own commercial gain.

At the moment, the website corresponding to the disputed domain name is inactive. This Panel finds that the Respondent is passively holding the disputed domain name, based on the following circumstances:

- The "CLEARSTREAM" trademarks are highly distinctive in the financial business;
- the Respondent did not file any Response to the Complaint;
- the Respondent's identity is hidden in the Whois information;
- the disputed domain name wholly incorporates the Complainant's trademark;
- in the disputed domain name, the Complainant' trademark is accompanied by the acronym "www", which presumably represents the intentional typosquatting in order to mislead Internet users.

Based on the previously mentioned facts, the Panel is of the view that the Respondent did not register and is not using the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **wwwclearstream.com**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2026-04-28

Publish the Decision