Decision for dispute CAC-UDRP-108732

Case number	CAC-UDRP-108732
Time of filing	2026-06-18 10:03:12
Domain names	eurex-verify.net

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	Harley Murphy

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 registrations for the trademark EUREX, including

- European Union trademark EUREX with registration number 744763 of June 8, 1999 for goods and services in classes 9, 16, 35, 36, 38 and 42; and
- United Kingdom trademark EUREX with registration number UK 00900744763 of June 8, 1999 for goods and services in classes 9, 16, 35, 36, 38 and 42.

FACTUAL BACKGROUND

The Complainant is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide, whose business areas cover the entire financial market transaction process chain. As of 31 December 2022, the Complainant and its subsidiaries employed approximately 11,000 staff working at 55 locations worldwide, with locations in Luxembourg, Prague, Cork, London, New York, Chicago, Hong Kong, Singapore, Peking, Tokyo and Sydne). In addition, The Complainant cooperates with other exchange organizations for increasing the efficiency of capital markets worldwide. Among others, the Complainant organizes one of the world's largest derivative markets under the trademark EUREX and operates one of the world's leading clearinghouses with EUREX CLEARING. In the area of securities financing, it further operates EUREX REPO.

The disputed domain name was registered on June 2, 2026 and is passively held. The Complainant contends that the disputed domain name is held by the Respondent to replace the domain name <eurex-verify.com> which was recently transferred to the Complainant pursuant to UDRP decision CAC-UDRP-108537 of April 27, 2026.

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

The Respondent did not reply to the Complainant's contentions. However, the consensus view of UDRP panels is that the Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that, in this case, there are no such exceptional circumstances.

1. **The disputed domain name is confusingly similar to the Complainant's trademark**

It is well established that the Top Level Domain ("TLD") – in the present case ".net" – may be disregarded in the assessment under paragraph 4(a)(i) of the Policy (WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 1.11).

The disputed domain name incorporates the Complainant's trademark EUREX in its entirety, and adds a descriptive term "-verify". Such addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's EUREX trademark (WIPO Overview 3.1, section 1.8).

2. **The Respondent has no rights or legitimate interests in respect of the disputed domain name**

The Complainant must make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455; also WIPO Overview 3.1, section 2.1).

The Panel takes note of the various allegations of the Complainant and, in particular, that the Complainant and the Respondent never had had any previous relationship, the Respondent was not licensed or authorized to use the Complainant's EUREX trademark in connection with the registration and use of a domain name, and that the Respondent is neither commonly known by nor has trademark rights in the dispute domain name or by the term "eurex-verify".

The Panel is satisfied that the Complaint succeeded in making a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. **The disputed domain name has been registered and used in bad faith**

The Complainant demonstrated that it had registered the EUREX trade mark almost three decades before the Respondent registered the disputed domain name, and the Complainant contended that the EUREX trade mark was well known at the time the Respondent registered the disputed domain name, which the Respondent did not refute. Although this does not constitute proof of the allegation that the EUREX trademark is well known, it is corroborated by various decisions of UDRP panels (e.g., CAC-UDRP-104124, CAC-UDRP-104536 and CAC-UDRP-105809). As the alleged reputation of the EUREX trademark has not been disputed and the file contains support for such reputation, such as the duration and extent of the use of the EUREX trademarks, the Panel in the case at hand concurs with the findings of previous UDRP panels that the Complainants' EUREX trademark is well known.

Since "eurex" is not a dictionary term, is not obvious, and is, moreover, a trademark of the Complainant that the Respondent could reasonably have been aware of had it checked the trademark registers prior to registering the disputed domain name, the Panel, in the absence of any explanation from the Respondent, considers it likely that the Respondent must have been aware of the Complainant's trademark at the time of the registration of the disputed domain name. This is further reinforced by the fact that an identical domain name, the only difference being that the top-level domain is '.com' rather than '.net', was transferred to the Complainant five weeks prior to the registration of the disputed domain name, pursuant to decision CAC-UDRP-108537. This may be a mere coincidence, but the Panel infers from the Respondent's silence in response to the Complainant's allegation, and the lack of any explanation for the choice of the disputed domain name, that it was specifically chosen as a replacement for the domain name <eurex-verify.com>. The Panel is therefore satisfied that the disputed domain name was registered in bad faith.

The Complainant must also demonstrate that the Respondent is using the disputed domain name in bad faith. The Panel concludes from the fact that the Complainant submitted evidence that the Respondent set up MX records, and used the disputed domain name to send out scam e-mails, that the disputed domain name has been used for illegal activities which is evidence of use in bad faith: "Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such active ("behind the scenes") uses are considered distinct from the passive holding doctrine discussed above, and can include a range of bad faith activity or scams such as sending email, phishing, identity theft, or malware distribution" (WIPO Overview 3.1, section 3.4).

The Panel is therefore satisfied that the Complainant has succeeded in demonstrating that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eurex-verify.net**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2026-07-17

Publish the Decision