

ADMINISTRATIVE PANEL DECISION

Chicago Mercantile Exchange Inc., and CME Group Inc. v. lidy Man, and He Shan Shan aka Shan Shan He
Case No. D2023-0236

1. The Parties

The Complainants are Chicago Mercantile Exchange Inc., and CME Group Inc., United States of America (“USA”), represented by Norvell IP llc, USA.

The Respondents are lidy Man, Singapore, and He Shan Shan aka Shan Shan He, China.

2. The Domain Names and Registrars

The disputed domain names <cmeliby-y.com>, <cmelibxaa-a.com>, <cmelibxvip-b.com>, <cmelibxvip-m.com>, <cmelibxvip-q.com>, <cmedds-m.com>, <cmefds-m.com>, <cmefgsvm-q.com>, <cmefghj-w.com>, <cmefsf-w.com>, <cmefsgfpo-m.com>, <cmefdgkm-w.com>, <cmefgjfk-x.com>, <cmegbbhd-w.com>, <cmeglopsd-a.com>, <cmegrdfm-q.com>, and <cmexowss.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

The disputed domain names <cmefdgcm-q.com>, <cmefds-x.com>, <cmegtop-z.com>, and <cmegtoy-z.com> are registered with Net-Chinese Co., Ltd. (the “Registrar”).

The disputed domain names <cmegrfgp-q.com>, <cmegrghp-q.com>, and <cmevip-t.com> are registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

The disputed domain names <cmegrful-x.com>, <cmegrful-y.com>, <cmegrhup-q.com>, <cmegrogp-m.com>, <cmegroop-a.com>, <cmegroupadmin.com>, <cmegroup-w.com>, <cmegroupwss.com>, and <cmegrup-p.com> are registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 18, 2023. On January 19, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 19, 2023, January 20, 2023, January 28, 2023 and January 30, 2023, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (No information provided for Registrant / Domain Admin, Whoisprotection.cc / Redacted for

Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on January 30, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on February 2, 2023.

On January 30, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On February 2, 2023, the Complainants submitted a request that English be the language of the proceeding. The Respondents did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents in English and Chinese of the Complaint, and the proceedings commenced on February 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on February 27, 2023.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on March 10, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainants are part of a multinational group of companies headquartered in the USA. The Complainant Chicago Mercantile Exchange Inc. is one of the world's leading financial institutions, and part of the Complainant CME Group Inc. The Complainant Chicago Mercantile Exchange Inc., founded in 1898, began using the CME mark in 1919. The Complainant CME Group Inc. offers futures and financial options in all major asset classes, such as metals, commodities, foreign exchange, energy, and other products through four exchanges: CME or Chicago Mercantile Exchange, CBOT or Chicago Board of Trade, COMEX or Commodity Exchange, and NYMEX or New York Mercantile Exchange. The Complainants' operations now extend globally with offices in the USA, Canada, Brazil, the United Kingdom, Ireland, Singapore, Hong Kong, China, the Republic of Korea, India, and Japan.

The Complainants provide evidence that they own a large international portfolio of trademark registrations for the marks CME and CME GROUP. Examples of such registrations include USA trademark registration number 1085681 for CME, registered on February 14, 1978; USA trademark registration number 3084640 for CME, registered on April 25, 2006; China trademark registration number 4162022 for CME, registered on December 7, 2007; USA trademark registration number 3367684 for CME GROUP, registered on January 15, 2008; and China trademark registration number 16668026 for CME GROUP, registered on September 28, 2018. The Complainants also maintain a strong online presence, including through the website linked to their main domain names <cme.com> and <cme group.com>. The relevant registered trademarks adduced by the Complainant were successfully registered prior to the dates of registration of the disputed domain names by the Respondents, which all fall in September and October, 2022.

The Complainants submit evidence that the disputed domain names directed to active websites, which all displayed identical versions of a webpage featuring the Complainants' trademarks and globe design on a purple background, and requiring user name and password to log into an unknown portal. However, on the date of this Decision, the Panel notes that the disputed domain names directs to inactive webpages.

5. Parties' Contentions

A. Complainants

The Complainants essentially contend that the disputed domain names are confusingly similar to their trademarks for CME or CME GROUP, that the Respondents have no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names were registered, and are being used in bad faith.

The Complainants claim that their trademarks are intensively used and are globally famous in the financial sector, and provide printouts of their official website and of their marketing and related materials. Moreover, the Complainants provide evidence that the disputed domain names directed to active websites, which all displayed identical versions of a webpage featuring the Complainants' trademarks and globe design on a purple background with buttons to log into an unknown portal. In this context, the Complainants essentially claim that the Respondents are abusing their trademarks in an attempt to mislead the public to believe that the disputed domain names are affiliated with the Complainants. The Complainants also argue that the Respondents are using the CME and CME GROUP trademarks and logo at the login screen on such websites solely to fraudulently impersonate the Complainants in attempts to obtain their consumers' personal information. The Complainants essentially contend that the registration and use of the disputed domain names in such circumstances constitutes registration and use in bad faith.

The Complainants request the transfer of the disputed domain names.

B. Respondents

The Respondents did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 First Preliminary Issue: Consolidation of the Complainants

The Complainants in this administrative proceeding request consolidation in regard to the Complainants. In this regard, the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)") states in section 4.11.1: "In assessing whether a complaint filed by multiple Complainants may be brought against a single respondent, panels look at whether (i) the Complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the Complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

The Panel has carefully reviewed all elements of this case, giving particular weight to the fact that the Complainant Chicago Mercantile Exchange Inc. is owned by the Complainant CME Group Inc. The Panel therefore accepts that the Complainants form part of the same organization and have a common grievance against the Respondents regarding their trademark-abusive domain name registration and use. As such, the Panel concludes that the Complainants are the target of common conduct by the Respondents and both have common grievances regarding the use of the CME or CME GROUP trademarks in the disputed domain names by the Respondents. The Panel accepts that permitting the consolidation of the Complainants would be fair and equitable to all Parties involved and would safeguard procedural efficiency. The Panel therefore grants the request for consolidation of the Complainants and shall hereafter refer to the Complainants jointly as "the Complainant".

6.2 Second Preliminary Issue: Consolidation of the Respondents

The Complainant also requested consolidation of the Respondents in this proceeding.

In this regard, paragraphs 3(c) and 10(e) of the Rules, respectively, provide that: “The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder” and “A panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. It follows from the foregoing paragraphs of the Rules and from the [WIPO Overview 3.0](#), section 4.11.2, that the consolidation of multiple respondents in a single administrative proceeding may, in certain circumstances, be appropriate, provided that the complainant can demonstrate that the disputed domain names or the websites to which they resolve are subject to common control, and the Panel, having regard to all of the relevant circumstances, determines that such consolidation is procedurally efficient, fair and equitable to all Parties.

In the present case, the Complainant essentially contends that the disputed domain names are all under common control based on the following elements: the similar naming pattern of the disputed domain names (*i.e.*, all disputed domain names contain the mark CME followed by combinations of letters that create no known words in English); the fact that the disputed domain names previously directed to identical versions of a webpage (which featured the Complainant’s trademarks and globe design on a purple background with buttons to log into an unknown portal); and the fact that the disputed domain names were all registered at similar times between September and October 2022.

The Panel notes that while the Complainant’s arguments and related evidence regarding this request for consolidation were not substantial and could have been elaborated on further, no objection against the consolidation was filed by the Respondents. Based on other indications found by the Panel, the Panel nevertheless finds the overall circumstances sufficient to allow the consolidation of the Respondents in this case. In reaching this conclusion, the indications the Panel considered are:

- 1) all disputed domain names previously resolved to identical websites displaying the Complainant’s trademark and logo and requiring confidential information to login to an unknown portal;
- 2) He Shan Shan aka Shan Shan He registered 29 disputed domain names on various dates - September 13, 14, 21, 22, 23, 24, 26, 29, 30 and October 2, 2022. The remaining disputed domain names were registered by lidy Man on September 25, 2022. Therefore, all disputed domain names were registered within a short period of time;
- 3) 17 disputed domain names owned by He Shan Shan aka Shan Shan He were registered through the Registrar, Gname.com Pte. Ltd., in Singapore while lidy Man’s postal address only lists Singapore with no other information;
- 4) both lidy Man’s disputed domain names <cmedfdgcm-q.com>, <cmegfds-x.com>, <cmegtop-z.com>, and <cmegtoy-z.com> and the majority of He Shan Shan aka Shan Shan He’s disputed domain names have the same naming pattern, *i.e.*, “the Complainant’s trademark CME + random letters + a hyphen + one single letter”;
- 5) Some of the disputed domain names owned by lidy Man have the same IP address as some of the disputed domain names owned by He Shan Shan aka Shan Shan He.

In view of the abovementioned indications, and giving particular weight to the fact that the disputed domain names all directed to identical webpages in the past, the Panel finds that it is more likely than not that the Respondents are connected and that the websites linked to the disputed domain names are under common control.

The Panel therefore finds that in this case consolidation would be fair and equitable to all Parties involved and would safeguard procedural efficiency. The Panel therefore decides to grant the request for consolidation of the Respondents and shall hereafter refer to the Respondents jointly as “the Respondent”.

6.3 Third Preliminary Issue: Language of the Proceeding

Pursuant to paragraph 11(a) of the Rules, the language of the proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

According to the Registrars' verification responses, the language of the Registration Agreements for the disputed domain names registered through the Registrars Gname.com Pte. Ltd. and Net-Chinese Co., Ltd. is Chinese. Nevertheless, the Complainant filed its Complaint in English, and requests that English be the language of the proceeding. The Panel notes that the Respondent did not comment on the language of the proceeding and did not submit any arguments on the merits of this proceeding.

In considering this request, the Panel has carefully reviewed all elements of this case, and deems the following elements particularly relevant: the Complainant's request that the language of the proceeding be English; the lack of comment on the language of the proceeding and the lack of response on the merits of this proceeding by the Respondent (the Panel notes that the Respondent was invited by the Center in Chinese and English and in a timely manner to present its comments and response in either Chinese or English, but chose not to do so); the fact that the disputed domain names are written in Latin letters; and, finally, the fact that Chinese as the language of the proceeding could lead to unwarranted delays and additional costs for the Complainant. In view of all these elements, the Panel grants the Complainant's request, and decides that the language of this proceeding shall be English.

6.4 Discussion and Findings on the Merits

The Policy requires the Complainant to prove three elements:

- (a) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (c) the disputed domain names have been registered and are being used in bad faith.

Based on the evidence and arguments submitted, the Panel's findings are as follows:

A. Identical or Confusingly Similar

The Panel finds that the Complainant has provided sufficient evidence that it has valid and sufficient rights in its marks for CME and CME GROUP, based on its use and registration of the same as trademarks in several jurisdictions, as stated above.

Further, as to confusing similarity of the disputed domain names with the Complainant's CME marks, the Panel finds that the disputed domain names all consist of the combination of two elements, namely each time the Complainant's CME trademark followed by a number of terms or apparently meaningless suffixes. According to the [WIPO Overview 3.0](#), section 1.8, "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 Panel concludes that the disputed domain names all contain the entirety of the Complainant's trademark CME, which remains easily recognizable in each of the disputed domain names, and are therefore confusingly similar to the Complainant's CME marks. Further, the Panel notes that the disputed domain names <cmegroupadmin.com>, <cmegroup-w.com>, and <cmegroupwss.com> also incorporate the Complainant's CME GROUP trademark in its entirety, and are therefore confusingly similar to the Complainant's CME GROUP marks. The Panel also notes that the applicable generic Top-Level Domain

("gTLD") (".com" in this case) is viewed as a standard registration requirement, and may as such be disregarded by the Panel, see in this regard the [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, based on the above elements, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademarks. The Panel decides that the Complainant has satisfied the requirements of the first element under the Policy.

B. Rights or Legitimate Interests

On the basis of the evidence and arguments submitted, the Panel accepts that the Complainant makes out a *prima facie* case that the Respondent is not, and has never been, an authorized reseller, service provider, licensee or distributor of the Complainant, is not a good faith provider of goods or services under the disputed domain names and is not making legitimate noncommercial use or fair use of the disputed domain names. The Panel also notes that the Respondent is not commonly known by the disputed domain names. As such, the Panel finds that the burden of production regarding this element shifts to the Respondent (see [WIPO Overview 3.0](#), section 2.1). However, no evidence or arguments have been submitted by the Respondent in reply.

Further, upon review of the facts and the evidence submitted in this proceeding, the Panel notes that the disputed domain names directed to active websites, which showed a clear intent on the part of the Respondent to misleadingly pass them off as the websites of the Complainant by prominently displaying the Complainant's trademarks and globe design. Moreover, the Panel also accepts the Complainant's argument that such websites posed a risk of fraud or phishing by requesting user name and password to log into a portal, leading to further access to the website, which may lead unsuspecting Internet users to share sensitive information with the Respondent. It is clear to the Panel from the foregoing elements that the Respondent is not a good faith provider of goods or services under the disputed domain names (see *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)) and, given the abovementioned facts, the Panel concludes that the Respondent's use does not constitute a legitimate noncommercial use or fair use of the disputed domain names. However, the Panel notes that on the date of this Decision, the disputed domain names direct to inactive webpages. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain names on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#) and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

On the basis of the foregoing elements, the Panel considers that none of the circumstances of rights or legitimate interests envisaged by paragraph 4(c) of the Policy apply, and that the Complainant has satisfied the requirements of the second element under the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has used its CME and CME GROUP marks intensively and for a long time before the registration dates of the disputed domain names, and that such marks have therefore acquired a substantial reputation. Given this strong reputation and the registration of the Complainant's marks many years before the registration date of the disputed domain names, the Panel finds that the subsequent registration of the disputed domain names clearly and consciously targeted the Complainant's prior registered trademarks for CME and CME GROUP. This finding is especially obvious for some of the disputed domain names containing the CME or CME GROUP marks combined with descriptive words such as <cmegroupadmin.com>, and the previous use of the disputed domain name for websites displaying the Complainant's CME and CME GROUP marks. The Panel deducts from these efforts to consciously target the Complainant's prior registered trademarks that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain names. In the Panel's view, these elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the disputed domain names directed to active websites, which showed a clear intent on the part of the Respondent to misleadingly pass them off as the websites of the Complainant by prominently displaying the Complainant's trademarks and globe design. Moreover, the Panel also accepts the Complainant's argument that such websites posed a risk of fraud or phishing by requesting the insertion of login information leading to further access to such websites, which may lead unsuspecting Internet users to share sensitive information with the Respondent. The Panel concludes from these facts that the Respondent has registered the disputed domain names primarily for the purpose of attracting, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's marks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. Such use of the disputed domain names by the Respondent also disrupts the Complainant's business. However, on the date of this decision, the disputed domain names links to inactive websites. In this regard, the [WIPO Overview 3.0](#), section 3.3 provides: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding". The Panel has reviewed all elements of this case, and attributes particular relevance to the following elements: the fact that the disputed domain names contain the entirety of the Complainant's trademark CME, the intensive use of the Complainant's trademarks and the unlikelihood of any good faith use to which the disputed domain names might be put by the Respondent. In these circumstances, the Panel considers that the passive holding of the disputed domain names by the Respondent constitutes use of the disputed domain names in bad faith. The Panel therefore finds that it has been demonstrated that the Respondent has used, and is using the disputed domain names in bad faith.

Finally, the Respondent has failed to provide any response or evidence to establish its good faith or absence of bad faith. The Panel therefore finds that the Complainant has satisfied the requirements of the third requirement under the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names, <cmeblibyy-y.com>, <cmeblixaa-a.com>, <cmeblixvip-b.com>, <cmeblixvip-m.com>, <cmeblixvip-q.com>, <cmedds-m.com>, <cmedfdgcm-q.com>, <cmedfds-m.com>, <cmedfgsvm-q.com>, <cmedghj-w.com>, <cmedsfs-w.com>, <cmedsgfpo-m.com>, <cmedfgkm-w.com>, <cmevgjfk-x.com>, <cmegbbhd-w.com>, <cmegfds-x.com>, <cmeglopsd-a.com>, <cmegrfgp-q.com>, <cmegrful-x.com>, <cmegrful-y.com>, <cmegrdfm-q.com>, <cmegrghp-q.com>, <cmegrhup-q.com>, <cmegroop-m.com>, <cmegroop-a.com>, <cmegroupadmin.com>, <cmegroup-w.com>, <cmegroupwss.com>, <cmegrup-p.com>, <cmegtop-z.com>, <cmegtoy-z.com>, <cmevip-t.com>, and <cmexowss.com>, be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: April 14, 2023