

ADMINISTRATIVE PANEL DECISION

Aegon N.V. v. Marcela Londono
Case No. D2023-4064

1. The Parties

The Complainant is Aegon N.V., Netherlands (Kingdom of the), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Marcela Londono, Colombia.

2. The Domain Name and Registrar

The disputed domain name <aegonholding.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 28, 2023. On September 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 28, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 Respondent of the Complaint, and the proceedings commenced on October 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 9, 2023.

The Center appointed Peter Burgstaller as the sole panelist in this matter on November 28, 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 Complainant is a global insurance company based in the Netherlands (Kingdom of the). It owns several trademark registrations containing the mark AEGON, *inter alia*,

- United States of America trademark Registration No 4327068 for AEGON (word), registered April 30, 2013, in international classes 35 and 36;
- European Union trademark Registration No 413039 for AEGON (word), registered September 28, 1999, in international classes 35 and 36; and
- International trademark Registration No 536748 for AEGON (word), registered March 30, 1989, in international classes 35 and 36, designated for, *inter alia*, Colombia, where the Respondent appears to be located (Annex 1 to the Complaint).

Further, the Complainant's primary domain name <aegon.com>, registered June 16, 1997 (Annex 4 to the Complaint) resolves to the Complainant's well visited website containing information about the Complainant and its business (Annex 5 to the Complaint).

Moreover, the Complainant owns numerous domain names containing the mark AEGON since years, e.g. <aegon.us>, <aegon.net>, <aegon-bank.com>, <aegon-online.com>, <aegon-global.com>, <aegongroup.com> or <aegonholdings.com> (Annex 6 to the Complaint).

The disputed domain name was registered on April 29, 2021 and formerly resolved to a website featuring the Complainant's logo and used an email address with the Complainant's domain name <aegon.com>. At the time of filing the Complaint, it resolved to a website containing pay-per-click (PPC) links (Annex 3 to the Complaint).

Further, the Complainant sent a cease-and-desist letter to the Respondent on June 14, 2023 and two reminders which left unanswered by the Respondent (Annex 8 to the Complaint).

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant is an international financial services group of companies based in the Netherlands (Kingdom of the). The name AEGON was created by merging the names of two of its predecessors, Ago and Ennia, back in November 1983. Over time, through organic growth, mergers and acquisitions, the Complainant grew to become a large global insurance company which offers more than funeral insurance. The Complainant has businesses across Europe, Asia and America. Its main brands are Aegon and Transamerica.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights: In creating the disputed domain name, the Respondent has added the generic, descriptive term "holding" to the Complainant's AEGON trademark, which only serves to underscore and increase the confusing similarity between the disputed domain name and the Complainant's trademark. The Respondent was using the disputed domain name to resolve to a website which attempted to pass off as the Complainant's website by featuring the Complainant's AEGON trademark at the top of the website and using a similar blue color scheme. The website also claimed to be "AEGON SA de CV" and used the Complainant's primary domain name at the bottom of the website as its contact email address i.e. "[...]@aegon.com".

Further, the Respondent has no rights or legitimate interests in respect of the disputed domain name: The Respondent has no authorization from the Complainant to use the AEGON mark, it is not commonly known by the disputed domain name, it is not using the disputed domain name to provide a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use as allowed under the Policy.

Finally, the Respondent registered and used the disputed domain name in bad faith: By registering a domain name that incorporates the Complainant's AEGON trademark in its entirety, along with the term "holding", which is related to the Complainant's business, the Respondent has created a domain name that is confusingly similar to the Complainant's trademark and primary domain name <aegon.com>. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. Further, the Respondent was using the disputed domain name's website to attempt to pass off as the Complainant's website by adopting a similar blue color scheme and claiming to be "AEGON SA de CV", as well as using the Complainant's primary domain name <aegon.com> as the website contact email address.

Moreover, the Respondent has ignored the Complainant's attempts to resolve this dispute outside of this administrative proceeding by sending a cease-and-desist letter and two reminders.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "holding") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s distinctive mark in its entirety together with the term “holding” as suffix falsely suggests an affiliation with the Complainant that does not exist. [WIPO Overview 3.0](#) section 2.5.1.

The use of the disputed domain name to host a parked page comprising PPC links cannot be found as a *bona fide* offering of goods or services as such are considered to capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Complainant provided evidence which demonstrates that it has rights and is the owner of the distinctive registered trademark AEGON, registered and used in many jurisdictions around the world since years and long before the disputed domain was registered.

Further, the Complainant registered and is using various domain names containing AEGON e.g., <aegon.com>, <aegon.net> or <aegonholdings.com> among others, for many years.

It is inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainant’s rights, which leads to the necessary inference of bad faith. [WIPO Overview 3.0](#), section 3.2.2. This finding is supported by the fact that the disputed domain name incorporates the Complainant’s distinctive trademark AEGON entirely.

Moreover, the disputed domain name contains the term “holding” as suffix to the AEGON mark, which in fact even strengthens the impression that the Respondent must have known of the Complainant’s mark when registering the disputed domain name, since the suffix “holding” refers to the business of the Complainant.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

The Panel also notes, that the Complainant has put forward evidence that the disputed domain name was used in bad faith since it resolved to a website which featured the Complainant's logo and used an email address with the Complainant's domain name <aegon.com>. Further, the disputed domain name resolved to a website which contained PPC links to other websites. In doing so, the Respondent has intentionally attempted to attract Internet users to its websites for commercial gain, by creating a likelihood of confusion with the Complainant's distinctive trademarks as to the source, sponsorship, affiliation or endorsement of its website according to paragraph 4(b)(iv) of the Policy – this constitutes bad faith use of the disputed domain name.

Finally, the Respondent failed to respond to the Complaint and a cease-and-desist letter sent by the Complainant which also support a finding of bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of 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 name <aegonholding.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: December 12, 2023