

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA / Belfius Bank NV v. Maxime Burlaud, SAS BURLAUD
Case No. D2024-2076

1. The Parties

The Complainant is Belfius Bank SA / Belfius Bank NV, Belgium, internally represented.

The Respondent is Maxime Burlaud, SAS BURLAUD, France.

2. The Domain Name and Registrar

The disputed domain name <belfius-cc.com> (“Disputed Domain Name”) is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 17, 2024. On May 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 23, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 29, 2024.

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 Respondent of the Complaint, and the proceedings commenced on May 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 21, 2024.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on June 28, 2024. 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 known Belgian bank and financial services provider, active in Belgium and beyond.

The activities of the Complainant are focused on the Belgian territory. Nevertheless, the trademark is also used outside Belgium, as the Complainant sponsors several national sports teams and sports events.

The Complainant's group is the owner of numerous trademarks incorporating the word "Belfius", which is an invented word composed of "Bel" as in Belgium, "fi" as in finance and the English word "us".

The Complainant's trademarks include:

- (i) European Union Trademark Registration No. 010581205, BELFIUS (Word mark), registered on May 24, 2012;
- (ii) Benelux Trademark Registration No. 914650, BELFIUS (Word mark), registered on May 10, 2012;
- (iii) Benelux Trademark Registration No. 915963, Belfius (Figure), registered on June 11, 2012; and
- (iv) Benelux Trademark Registration No. 915962, Belfius (Figure), registered on June 11, 2012.

Furthermore, the Complainant uses the domain name <belfius.be> that resolves to its official website, where it offers banking and insurance services. The Complainant is also the registrant of the domain name <belfius.com>, which redirects to the website at "www.belfius.be" intended for institutional partners and journalists. The Complainant also uses many other domain names that include the word "Belfius" and redirect to its official website.

As it can be inferred from the case record, the Disputed Domain Name, registered on February 17, 2024, does not resolve to an active webpage.

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 contends that the Disputed Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights, that the Respondent lacks any rights or legitimate interests in respect of the Disputed Domain Name and that the Respondent's passive holding and non-use of the Disputed Domain Name amounts to bad faith.

The Complainant states that the Respondent is in no way associated with the Complainant. The Complainant has not licensed, approved or in any way consented to the Respondent's registration or use of the trademark in the Disputed Domain Name. The Complainant says that the Respondent has no trademark rights on "Belfius" and does not seem to carry out any (legitimate) activity.

Moreover, the Complainant contends that the Disputed Domain Name does not resolve to an active webpage. The Complainant says that Respondent does not make any legitimate noncommercial or fair use of the Disputed Domain Name. Also, it is stated by the Complainant that the Respondent does not make any use of the Disputed Domain Name in connection with an active website or even indicating demonstrable preparations to use the Disputed Domain Name.

The Complainant alleges that the Respondent does not use or does not seem to have the intention to use the Disputed Domain Name for purposes of a bona fide offering of goods and services over the Internet.

Finally, the passive holding or non-use of a domain name is in the present case supporting the finding of bad faith, since the Disputed Domain Name mainly consists of the Complainant's trademark, the provision of incomplete contact details and the impossibility to conceive any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would be in good faith.

B. Respondent

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

6. Discussion and Findings

The Panel shall now proceed to the analysis of the evidence in this case, and shall decide if the Complainant has satisfied the three elements of paragraph 4(a) of the Policy.

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.

The Complainant has presented evidence to demonstrate that it owns registered trademark rights in BELFIUS. Therefore, 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 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. The mere fact that the Respondent has added the suffix "-cc" to the Complainant's trademark does not prevent a finding of confusing similarity. The trademark of the Complainant remains recognizable in the Disputed Domain name, and, in the circumstances of this case, this is by itself sufficient to establish the criterion of confusing similarity for purposes of the Policy, as many previous UDRP panels have found. [WIPO Overview 3.0](#), section 1.8.

In view of the above, the Panel finds that the Complainant has discharged its burden of proof on this point and holds that the Disputed Domain Name is confusingly similar to the Complainant's trademark BELFIUS for the purposes of the Policy.

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.

In particular, the Panel finds that the Respondent has not used the Disputed Domain Name (or has made demonstrable plans for such use) with a bona fide offering; that the Respondent is not commonly known by the Disputed Domain Name; and that the Respondent has made legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, based on the case record, the Respondent does not seem to have any trademark registrations including the term "belfius". Additionally, it is to be noted that the Respondent did not present evidence of any license by the Complainant, with whom there seems to exist no relationship whatsoever.

As a conclusion on this point, the Panel finds the second element of the Policy has been established and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has thus satisfied paragraph 4(a)(ii) of the Policy.

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.

In the present case, the Panel notes that the Respondent's Disputed Domain Name has been registered since February 17, 2024, whereas the Complainant's trademarks have been registered since 2012.

Thus, from the case record at hand, the Panel finds that the Respondent, when registering the Disputed Domain Name, either knew or should have known of the Complainant's trademarks. (See *LEGO Juris A/S v. Domains by Proxy, Inc., DomainsByProxy.com / DBA David Inc.* WIPO Case No. [D2011-1839](#); *Georgia-Pacific Consumer Products LP v. Whois Privacy Services Pty Ltd. / Conquistador Sat*, WIPO Case No. [D2013-1458](#)). Therefore, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (see *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#); *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#)). Therefore, the registration of the Disputed Domain Name was made in bad faith.

Further, the Respondent does not seem to have used the website to which the Disputed Domain Name resolves. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name clearly targeting the Complainant's trademark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Finally, the fact that the Respondent was contacted by the Complainant in order to obtain the transfer of the Disputed Domain Name but the Respondent had failed to address the Complainant's contentions, this reinforces the Panel's finding of bad faith.

As a consequence of the above, the Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith, thus satisfying 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 <belfius-cc.com> be transferred to the Complainant.

/Christos A. Theodoulou/

Christos A. Theodoulou

Sole Panelist

Date: July 12, 2024