

ADMINISTRATIVE PANEL DECISION

Belfius Assurances SA / Belfius Verzekeringen NV v. Miguel Valladares
Case No. D2024-4193

1. The Parties

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

The Respondent is Miguel Valladares, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <dvv-services.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 2024, the Registrar transmitted by email to the Center its verification response confirming the disputed domain name was registered with it but disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 18, 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 October 18, 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 October 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 12, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on November 18, 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 describe itself and its corporate group as a renowned Belgian bank insurer with a solid reputation in Belgium and beyond.

According to the Complaint, the Complainant's group has 5,000 employees and 650 agencies. The group is wholly owned by the Belgian government. The Complaint further states that the Complainant's group activities are focused on the Belgian territory, but its trademark is also shown outside Belgium through sponsorship of several national sports teams and sports events.

The Complainant is the owner of:

- (a) Benelux Registered Trademark No 764949, DVV, which was registered on April 11, 2005, in respect of a range of relevant goods and services in International Classes 16, 35, and 36; and
- (b) Benelux Registered Trademark No 1422284, DVV and device, which was registered on November 17, 2020, in respect of insurance services, financial services and brokerage in International Class 36.

The disputed domain name was registered on April 8, 2024.

It has not resolved to an active website. Nor is there any evidence of any other form of use.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of 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 3.0](#), section 1.7.

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.

In comparing the disputed domain name to the Complainant's trademarks, it is appropriate to disregard the device element in Registered Trademark No 1422284, as such elements cannot be reproduced in a domain name and the verbal component of the mark is still prominent and substantial. [WIPO Overview 3.0](#), section 1.10.

The entirety of the Complainant's marks is therefore reproduced within the disputed domain name.

Moreover, although the addition of other terms (here, "-services") may bear on assessment of the second and third elements, the Panel finds this addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Apart from anything else, the Complainant's trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

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 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 Complainant states that the Respondent has not been licensed by them to use the disputed domain name and the Respondent is not otherwise associated with them or their corporate group in any way.

There is no evidence before the Panel that the disputed domain name is being used, let alone in connection with a good faith offering of goods or services. Nor is there any evidence capable of supporting a claim to demonstrable preparations for such use.

The disputed domain name is not derived from the Respondent's name used to register the disputed domain name. Nor is there any evidence of any other name by which the Respondent or some predecessor in title is commonly known by.

There is no evidence before the Panel on which to make a finding of legitimate noncommercial or fair use.

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.

The Panel is conscious that the potentially distinctive feature of the disputed domain name is the three letters "DVV" which may potentially form an acronym or abbreviation. There are many uses to which such an acronym or abbreviation may be put. In many cases, such uses would not conflict with the Complainant's rights and would not require permission from it. The Respondent could potentially have rights or legitimate interests to use the disputed domain name in connection with such activities.

In the absence of any evidence from the Respondent, however, the Panel is not prepared to find that the Respondent has rights or legitimate interests in the disputed domain name. Nor is it necessary to do so having regard to the Panel's findings in section 5C below.

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.

The Complainant points out that the disputed domain name was registered some 20 years after the registration of the Complainant's first trademark. Further, the Complainant states that its corporate group has established a very substantial presence on the Internet. As a result, the Complainant contends that the Respondent must have known of their trademark or should have known of it as a good faith search would have disclosed it.

The Complainant further contends that registering the disputed domain name with that knowledge, or constructive knowledge, constitutes bad faith and, in reliance on the well-known line of cases starting with *Telstra Corporation v Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), the passive holding of the disputed domain name constitutes registration and use in bad faith.

The Complaint does not include evidence of the extensive use of the Complainant's trademark on the Internet although given the corporate group's apparent size it may very well be that the Complainant's trademark is very well-known in Belgium (at least).

The Panel accepts, as the Complainant contends, that the fact that the Complainant's business operations (apart from sponsorships of travelling national sports teams) focus on Belgium while the Respondent is apparently based in the United States does not of itself preclude a finding of bad faith given the global reach of the Internet.

Annex 6 to the Complaint includes a list of 48 domain names the Complainant's group has registered in a wide range of domains including generic Top-Level Domains ("gTLDs"), speciality Top Level Domains and country code Top-Level Domains ("ccTLDs"), which mostly appear to be associated with Belgium or places within Belgium. The data in Annex 6, however, appears to indicate that all the Complainant's domain names except those ending with a ".be" ccTLD have expired.

The Panel's own search on the Internet indicates that the domain names identified by the Complainant which end in ".com" do not resolve to active websites but generate a page stating "This domain has been reserved." The registration of these domain names may therefore have been renewed but their mere registration without use is very unlikely to generate reputation or awareness.

Further, whatever may be the case in Belgium (about which the Panel does not have evidence), the Panel's own searches of DVV and DVV services via Google return results for a DVV Media, apparently a global publishing house, a Finnish digital and population data services agency, DVV Entertainment which appears to be a film production company, "DVV International: Education for Everyone". There are also three images under the Heading Images on the first results page; two of which are for DVV Entertainment and the middle one features the Complainant's logo from the site "Wikidata".

It is of course possible that the Respondent did in fact have knowledge of the Complainant and its trademark. However, the Panel is not prepared to infer that the Respondent did in fact have such knowledge on the information before the Panel. In the circumstances of this case, the Panel is also not prepared to infer that the Respondent should have known about the Complainant's trademark. Typically, that is not the case under the Policy except between parties both located in the United States. [WIPO Overview 3.0](#) section 3.2.2.

Moreover, this is not a case where the trademark is so inherently distinctive or demonstrated to be so famous that the chances of the Respondent choosing a domain name so closely resembling it is implausible. In *Telstra Corporation v Nuclear Marshmallows*, above, for example, the trademark TELSTRA was an invented term with no meaning and very well-known at least throughout Australia where the respondent claimed to be located.

Similarly, *Intesa Sanpaolo S.p.A. v. Domains Admin, New Media Nexus*, WIPO Case No. [D2015-1606](#) concerned a trademark EURIZON CAPITAL and the domain name was <eurizon.capital>. EURIZON appears to have been an invented term with no descriptive relevance to financial services. Furthermore, the Respondent was unable to explain how it derived the name and registered it in the “.capital” gTLD so that the full domain name was identical to the Complainant’s trademark.

This case is very different. It concerns a trademark for a three letter acronym or abbreviation which may represent any number of people, things or activities and the descriptive word “services”. Moreover, there is no evidence at all of any targeting of the Complainant or other attempt to take advantage of the Complainant’s reputation in the trademark.

The use of a privacy service has in some cases been found to contribute to a finding of registration and use in bad faith. The fact that the Respondent used a privacy service when, or upon, registering the disputed domain name without more is an insufficient basis to find bad faith particularly as many registrars include this service these days.

In these circumstances, the Panel is unable to find that the Respondent has registered and is using the disputed domain name in bad faith.

The Panel finds the third element of the Policy has not been established.

6. Decision

For the foregoing reasons, the Complaint is denied.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: December 7, 2024