

ADMINISTRATIVE PANEL DECISION

Euronext N.V. v. WhoisSecure / Okonkwo Obinna Emmanuel, TechWrld
Case No. D2022-1333

1. The Parties

The Complainant is Euronext N.V., Netherlands, represented by LegalMatters.com, Netherlands.

The Respondent is WhoisSecure, United States of America (“United States”) / Okonkwo Obinna Emmanuel, TechWrld, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <euronextukholdings.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2022. On April 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 21, 2022 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 amendment to the Complaint on April 22, 2022.

The Center verified that the Complaint together with the amendment to 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 April 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 16, 2022.

The Center appointed Andrew F. Christie as the sole panelist in this matter on June 2, 2022. 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 pan-European bourse that offers various trading services, and post-trade services such as clearing, custody and settlement. It was founded by the merger of European Union stock exchanges at the turn of the 21st century, following the introduction of the single currency and harmonization of financial markets. Assets traded on the Complainant include regulated equities, exchange-traded funds, warrants and certificates, bonds, derivatives, commodities, foreign exchange, and indices. In December 2021, the Complainant had nearly 2,000 listed issuers.

The Complainant is the owner of several trademark registrations for the word trademark EURONEXT, including European Union Trademark Registration No. 011000627 (filed on June 28, 2012, and registered on December 5, 2012). The Complainant is also the owner of a number of trademark registrations for a figurative mark without text, consisting of multiple rectangles of varying lengths positioned side by side (the "Pulse device trademark"), including European Union Trademark Registration No. 010891695 (filed on May 17, 2012, and registered on November 11, 2012).

The Complainant operates a website at "www.euronext.com".

The disputed domain name was registered on June 14, 2021. The Complainant has provided a screenshot, taken on April 11, 2022, showing that the disputed domain name resolved to a website containing references to "Euronext UK Holdings Ltd", information about the cryptocurrency market, and links under the heading "Buy Bitcoin". The Complainant provided a further screenshot, taken on April 12, 2022, showing that the disputed domain name resolved to a website containing a logo which is highly similar to the Complainant's Pulse device trademark. At the time of this decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant made the following contentions to establish that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The distinctive element of the disputed domain name, "euronext", is identical to the Complainant's trademark EURONEXT, in respect of which the Complainant has exclusive rights. The other elements of the disputed domain name, "uk" (an abbreviation for the United Kingdom), "holdings" (a type of legal entity), and the generic Top-Level Domain ("gTLD") ".com" are to be considered descriptive and therefore should not be considered in a comparison between the trademark and the disputed domain name.

The Complainant made the following contentions to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name and has not been authorized to use the Complainant's EURONEXT trademark. The Respondent is not using the disputed domain name with a *bona fide* intent. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, as the "About" page on the website resolving from the disputed domain name shows that the Respondent is active on the cryptocurrency market, which is clearly not noncommercial.

The Complainant made the following contentions to establish that the disputed domain name was registered and is being used in bad faith. As the Complainant is Europe's largest bourse/stock exchange and well-known in the financial market, the Respondent could and should have been aware of it at the time of registering the disputed domain name. It is evident that the Respondent was aware of the Complainant,

because the Respondent is using the Complainant's United Kingdom subsidiary's address details on the website resolving from the disputed domain name, as well as using a logo identical, or at least highly similar, to the Complainant's Pulse device trademark on this website. The Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of the Respondent's website. The website resolving from the disputed domain name contains a link to a video originating from the Complainant about the "IPO Ready" event in Dublin, which shows the Complainant's trademarks. The Respondent is pretending to be the Complainant's subsidiary for the sole purpose of attracting Internet users for commercial gain by intentionally infringing the Complainant's exclusive rights.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, on May 16, 2022, in response to the notification of Respondent default, the Respondent sent an email to the Center stating: "The domain has been suspended I have no right now the domain I'm ready to transfer the domain I have no use of it".

6. Discussion and Findings

A. Identical or Confusingly Similar

Once the gTLD ".com" is ignored (which is appropriate in this case), the disputed domain name consists of the Complainant's registered word trademark EURONEXT, followed by the word string "ukholdings". The Complainant's trademark is clearly recognizable within the disputed domain name. The addition of the word string "ukholdings", which can be read as an abbreviation of the country "United Kingdom" and as a reference to a legal entity, does not avoid a finding of confusing similarity of the disputed domain name with the trademark.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its EURONEXT trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name was used to resolve to a website containing the address of the Complainant's United Kingdom subsidiary, a logo that is highly similar to the Complainant's Pulse device trademark, a link to a video originating from the Complainant containing its trademarks, information about the cryptocurrency market, and links under the heading "Buy Bitcoin". Such a use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name was registered many years after the Complainant first registered its EURONEXT trademark. There can be no doubt that the Respondent registered the disputed domain name with knowledge of the existence of the Complainant's trademark, given that the disputed domain name contains the Complainant's trademark, followed by the word string "ukholdings", which Internet users would most likely read as relating to a holding company in the United Kingdom, a country in which the Complainant operates.

Given the Respondent's lack of rights or legitimate interests in the disputed domain name, and the confusing similarity of the disputed domain name to the Complainant's word trademark, any use of the disputed domain name by the Respondent almost certainly implies an affiliation with the Complainant that does not exist. The Respondent's registration of the disputed domain name in these circumstances is a bad faith registration.

Furthermore, the evidence on the record provided by the Complainant indicates that the Respondent has used the disputed domain name in an attempt to attract, for commercial gain, Internet users to a website by creating confusion in the minds of the public as to an association between the website and the Complainant. The Respondent's use of the disputed domain name in this manner is a bad faith use.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

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, <euronextukholdings.com>, be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: June 11, 2022