

## **ADMINISTRATIVE PANEL DECISION**

**Belfius Bank S.A. / Belfius Bank N.V. v. Deblander Brigitte Yvonne, Contact Privacy Inc. Customer 7151571251 / Hannah Dacus, hasan Ibrahim, polk olt, and Remy Bonja**  
Case No. D2022-1870

### **1. The Parties**

The Complainant is Belfius Bank S.A. / Belfius Bank N.V., Belgium, represented internally.

The Respondents are Deblander Brigitte Yvonne, Belgium; Contact Privacy Inc. Customer 7151571251, Canada / Hannah Dacus, United States of America (“United States”); hasan Ibrahim, Belgium; polk olt, Greece; Remy Bonja, Netherlands.

### **2. The Domain Names and Registrars**

The disputed domain name <belfiusbelgium.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

The disputed domain name <belfius-be.org> is registered with Google LLC (the “Registrar”).

The disputed domain name <belfiusdeskinfo.online> is registered with Key-Systems GmbH (the “Registrar”).

The disputed domain name <belfuis.online> is registered with Hostinger, UAB (the “Registrar”).

The disputed domain name <www-belfiusdashboard.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2022. On May 24, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On May 24, 25, 27, 2022, respectively, the Registrars transmitted by email to the Center their verification response, disclosing registrants and contact information for the disputed domain names which differed from the named Respondents and contact information in the Complaint. The Center sent an email communication to the Complainant on May 31, 2022, providing the registrants and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 8, 2022.

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 of the Complaint, and the proceedings commenced on June 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2022. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on July 1, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on July 13, 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 Belgian bank. The Complainant’s official webpages are available at “www.belfius.be” and “www.belfius.com”, in addition to several other domain names which are used to redirect Internet users to <belfius.be> where it offers banking and insurance services (Annexes 8 and 9 to the Amended Complaint).

The BELFIUS trademark is an invented word composed of “bel” as in Belgium, “fi” as in finance, and the English word “us” and has been the object of the following, among other, trademark registrations:

- European Union registration No. 010581205 for the word mark BELFIUS, filed on January 23, 2012, and registered on May 24, 2012, in classes 9, 16, 35, 36, 41, and 45; and
- Benelux registration No. 914650 for the word mark BELFIUS, filed on January 23, 2012, and registered on May 10, 2012, in classes 9, 16, 35, 36, 41, and 45.

The disputed domain names were registered on and are presently used in connection with:

Disputed Domain Name	Registration Date	Present Use
<belfiusbelgium.com>	February 28, 2022	No active webpage.
<belfius-be.org>	December 23, 2021	No active webpage.
<belfiusdeskinfo.online>	March 28, 2022	Parked webpage stating that the domain name has been suspended.
<belfuis.online>	February 7, 2022	Fraud alert is displayed when trying to access it
<www-belfiusdashboard.com>	February 9, 2022	No active webpage.

#### 5. Parties’ Contentions

##### A. Complainant

According to the Complainant, the disputed domain names are under common control given that all five disputed domain names (i) were registered around the same time (within 3 months of each other between December 23, 2021 and March 28, 2022); (ii) using privacy protection services; (iii) sharing a similar naming pattern, all of them consisting of the reproduction or misspelling of the Complainant’s trademark with the addition of descriptive or geographical terms such as “belgium”, “be”, “desk”, “info”, or “dashboard”; (iv) did not resolve to active webpages at the time of filing the Complaint; and (v) the named Respondents suggest to be randomly picked, invented, or stolen from existing persons (given that none of the listed telephone numbers are active; no reply was received to the cease-and-desist letters sent by the

Complainant; and the identity of the Respondent for <www-belfiusdashboard.com> would be “Remy Bonja” which refers to “Remy Bonjasky”, a Surinamese-Dutch former kickboxer, which suggests identity theft).

The Complainant asserts to be a renowned Belgian bank 100% owned by the government, counting with more than 5,000 employees and over 650 agencies, focused on the Belgian territory.

According to the Complainant, the dominant part of the disputed domain names comprises the registered trademark BELFIUS or a typo thereof, the addition of the terms such as “belgium”, “be”, “desk”, “info”, or “dashboard” not detracting it from the overall impression, thus being the disputed domain names confusingly similar to the Complainant’s trademark.

As to the absence of rights or legitimate interests, the Complainant argues that:

- (i) the Respondents are in no way associated with the Complainant, not having the Complainant licensed, approved, or in any way consented to the Respondents’ registration and use of the Complainant’s trademark in the disputed domain names;
- (ii) the Respondents have no trademark rights on BELFIUS and do not seem to carry out any legitimate activity at/with the disputed domain names; and
- (iii) the Respondents are not using the disputed domain names in connection with a *bona fide* offering of goods or services given that the disputed domain names are being passively held.

Moreover, the Complainant has attempted to solve the matter amicably by sending cease-and-desist letters to the Respondents (Annexes 17.1-17.5 to the Amended Complaint) advising the Respondents of the unauthorized use of the BELFIUS trademark and requesting a voluntary transfer of the disputed domain names. No reply was received to these letters.

Lastly, the Complainant points out that the Respondents had or should have had knowledge of the Complainant’s well-known trademark when registering the disputed domain names, being it inconceivable that the Respondents could have registered them without having in mind the Complainant’s trademark. In addition to that, the passive holding of the disputed domain names and the retention of privacy protection services are further indicatives of the Respondent’s bad faith, coupled with the provision of incomplete contact details and the impossibility to conceive any plausible actual or contemplated good faith use of the disputed domain names by the Respondents.

## **B. Respondents**

The Respondents did not reply to the Complainant’s contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present so as to have the disputed domain names transferred to it, according to paragraph 4(a) of the Policy.

In accordance with paragraph 14(b) of the Rules, if the Respondents do not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Before turning to these questions, however, the Panel needs to address the issue of the consolidation of multiple Respondents.

### **A. Consolidation of Multiple Respondents**

The Complainant requests that this Panel accept multiple Respondents in a single proceeding in view of the facts enumerated at the section 5.A. above.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") establishes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario."

All of the aforementioned criteria are present in this case and therefore this Panel accepts such request considering that it would be more procedurally efficient to have the five disputed domain names dealt with at the same procedure, given that all disputed domain names: (a) were registered around the same date; (b) share a similar naming pattern; (c) did not resolve to active webpages at the time of filing the Complaint (and presently one of them to a website that attempts to infect Internet users' computers with viruses or malware); (iv) appear to have been registered using false or stolen personal information of individuals that are not related to the disputed domain names; and (e) no objection was made by the Respondents regarding consolidation.

This Panel is satisfied, in view of the evidence submitted and on balance that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

### **B. Identical or Confusingly Similar**

The Complainant has established its rights in the trademark BELFIUS (Annexes 4-7 to the Amended Complaint). It is well accepted that the first element functions primarily as a standing requirement and that the 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's BELFIUS mark is entirely reproduced in four of the disputed domain names and is misspelled in the fifth disputed domain name <belfuis.online>. The addition of the terms as "belgium", "be", "desk", "info", "www", or "dashboard", in this Panel's point of view, does not prevent a finding of confusing similarity between the disputed domain names and the trademark. Neither too, does the misspelling of the trademark in the fifth disputed domain name prevent a finding of confusing similarity, further to [WIPO Overview 3.0](#), section 1.9.

For the reasons above, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark.

### **C. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that indicate the Respondent's rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondents' use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or

(ii) the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, even if they have acquired no trademark or service mark rights; or

(iii) the Respondents are making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondents, in not responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondents.

In that sense, the Complainant indeed states that the Respondents are in no way associated with the Complainant, not having the Complainant licensed, approved, or in any way consented to the Respondents' registration and use of the Complainant's trademark in the disputed domain names.

Also, the lack of evidence that the Respondents are commonly known by the disputed domain names and the absence of any trademarks registered by the Respondents corresponding to the disputed domain names, corroborates the absence of any rights or legitimate interests in the disputed domain names.

As seen above, at least the disputed domain name <www-belfiusdashboard.com> appears to have been registered using stolen personal information and the disputed domain name <belfuis.online> is being used in connection with a website that attempts to infect Internet users' computers with viruses or malware. Such conduct cannot characterize a *bona fide* offering of goods or services. The remaining disputed domain names consist of the Complainant's trademark in their entirety with the additions "Belgium", "be", and "deskinfo", which cannot be considered "fair" as they falsely suggest affiliation with the Complainant.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain names.

#### **D. Registered and Used in Bad Faith**

The Policy indicates in paragraph 4(b) that bad faith registration and use can be found in view of:

(i) circumstances indicating that the Respondents have registered or acquired the disputed domain names primarily for the purpose of selling, renting, or otherwise transferring them to the Complainant who is the owner of a trademark relating to the disputed domain names or to a competitor of the Complainant, for valuable consideration in excess of the Respondents' documented out-of-pocket costs directly related to the disputed domain names; or

(ii) the Respondents have registered the disputed domain names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondents have engaged in a pattern of such conduct; or

(iii) the Respondents have registered the disputed domain names primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to the Respondents' website or other location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondents' website or location or of a product or service on the Respondents' website or location.

The registration and use of the disputed domain names in bad faith can be found in the present case in view of the following circumstances:

(i) the Respondents have provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain names;

(ii) the well known status of the Complainant's trademark and the nature of the disputed domain names, along with the potential use in connection with fraudulent websites, suggests a rather clear indication of the Respondents' registration and holding of the disputed domain names in bad faith, with the implausibility of any good faith use to which the disputed domain names may be put;

(iii) the absence of any reply to the cease-and-desist letters and respective reminders sent prior to this proceeding; and

(iv) the indication of a false address in the Whois data and, consequently, the Center not being able to have communications fully delivered to the Respondents.

For the reasons stated above, the Panel finds that the disputed domain names were registered and are being used in bad faith.

The third element of the Policy has therefore been established.

## **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 <belfiusbelgium.com>, <belfius-be.org>, <belfiusdeskinfo.online>, <belfuis.online>, and <www-belfiusdashboard.com> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: July 26, 2022