

## **ADMINISTRATIVE PANEL DECISION**

Belfius Bank S.A. / Belfius Bank N.V. v. Simohamed Simohamedberni  
Chxhhd Xhhdbd, Privat, Blef Goozy, plo okl, Jimmy louis, Rey wins, Rey  
wins, Ray Wins, Jimmy louis, Jimmy louis, S Jon Grant, Ads Bro, Mapima  
Mappangpang, Jhonny Musk  
Case No. D2022-3358

### **1. The Parties**

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

The Respondents are Simohamed Simohamedberni, New Zealand; Chxhhd Xhhdbd, Privat, Netherlands; Blef Goozy, Netherlands; plo okl, Belgium; Jimmy louis, Belgium; Rey wins, Rey wins, Belgium; Ray Wins, Belgium; Jimmy louis, Jimmy louis, Belgium; S Jon Grant, United States of America; Ads Bro, Belgium; Mapima Mappangpang, Denmark; Jhonny Musk, Spain.

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

The disputed domain names <be-belfius.com> and <belfiuscompte.com> are registered with DreamHost, LLC.

The disputed domain name <befius.online> is registered with Nicenic International Group Co., Limited.

The disputed domain names <belfiusbank.me> and <belfiuscompte.me> are registered with eNom, LLC.

The disputed domain name <belfius-contact.com> is registered with Eranet International Limited

The disputed domain name <belfius.host> is registered with Hostinger, UAB

The disputed domain names <belfiusinfo.online> and <mobilebelfius.co> are registered with NameCheap, Inc.

The disputed domain name <direct-belfius.com> is registered with Wild West Domains, LLC

The disputed domain name <omgevinginlog-uwelfius.digital> is registered with Dynadot, LLC (collectively referred to as “the Registrars”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2022. On September 9, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names.

On September 9, 2022, the Registrar Wild West Domains, LLC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <direct-belfius.com> which differed from the named Respondent and contact information in the Complaint. On September 12, 2022, the Registrar Hostinger, UAB transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <belfius.host> which differed from the named Respondent and contact information in the Complaint. On September 19, 2022, the Registrar eNom LLC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names <belfiusbank.me>, and <belfiuscompte.me> which differed from the named Respondent and contact information in the Complaint. On September 19, 2022, the Registrar Nicenic International Group Co., Limited transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <befius.online> which differed from the named Respondent and contact information in the Complaint. On September 19, 2022, the Registrar DreamHost, LLC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names <be-belfius.com> and <belfiuscompte.com> which differed from the named Respondent and contact information in the Complaint. On September 20, 2022, the Registrar Dynadot, LLC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <omgevinginlog-uwbelfius.digital> which differed from the named Respondent and contact information in the Complaint. On September 21, 2022, the Registrar NameCheap, Inc. transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names <belfiusinfo.online> and <mobilebelfius.co> which differed from the named Respondent and contact information in the Complaint. On September 22, 2022, the Registrar Eranet International Limited, transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <belfius-contact.com> which differed from the named Respondent and contact information in the Complaint.<sup>1</sup>

The Center sent an email communication to the Complainant on September 23, 2022, providing the registrant 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 October 6, 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 October 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2022. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on November 2, 2022.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on November 23, 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.

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<sup>1</sup> Named Respondents in the Complaint included Proxy Protection LLC, Privacy service provided by Withheld for Privacy ehf, and Registration Private, Domains By Proxy, LLC.

#### 4. Factual Background

The Complainant is a Belgian bank and financial services provider with over 5,000 employees and 650 agencies. Its activities are focused on Belgium but it is known more widely through its sponsorship of national sports teams and sporting events.

The Complainant's BELFIUS brand is an invented word composed of "Bel" as in "Belgium", "fi" as in "finance", and "us" as in the English word "us". The Complainant is the owner of European Union Trade Mark No. 010581205 for the word mark BELFIUS, registered on May 24, 2012 in Nice Classes 9, 16, 35, 36, 41, and 45. According to a list supplied by the Complainant, it is also the registrant of numerous domain names incorporating said word mark. For example, the Complainant is the registrant of the domain names <belfius.com> and <belfius.be>.

This Complaint relates to some eleven disputed domain names although in light of its finding below concerning consolidation of multiple respondents, the Panel proposes only to discuss in this section those disputed domain names in respect of which consolidation has been permitted, namely <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, <belfiuscompte.me>, and <direct-belfius.com>:

- <be-belfius.com> was registered on May 16, 2022, and does not point to a website;
- <belfiusbank.me> was registered on April 27, 2022, and does not point to a website;
- <belfiuscompte.com> was registered on April 27, 2022, and does not point to a website;
- <belfiuscompte.me> was registered on May 7, 2022, and (in the appropriate browser) shows a warning message regarding the risk of the domain name being used to deliver malware or in connection with the theft of personal data;
- <direct-belfius.com> was registered on May 16, 2022, and resolves to a default nginx web server page.

The Panel has found in the discussion below that these disputed domain names are linked by certain common features which suggest that they are likely to be under the common control of a single registrant, which will be designated as "the Respondent" in this case. Nothing is known regarding the Respondent, which has not participated in the administrative proceeding.

#### 5. Parties' Contentions

##### A. Complainant

In summary, the Complainant's contentions regarding those disputed domain names in respect of which consolidation has been permitted are as follows:

##### Identical or confusingly similar

The Complainant is the owner of the BELFIUS trademark, together with several trade names, company names, and domain names including such mark. The relevant comparison is to be made with the Second-Level Domain of the disputed domain names only, namely "be-belfius", "belfiusbank", "belfiuscompte" and "belfiuscompte". They are thus composed of the complete incorporation of the Complainant's trademark combined with the terms "be", "bank" (Dutch for bank), and "compte" (French for account). The addition of such terms does not lessen the inevitable confusion of the disputed domain names with the Complainant's BELFIUS trademark and indeed strengthens the association as they refer to the activities of the Complainant.

### **Rights or legitimate interests**

The Complainant's trademark predates the Respondent's registration of the disputed domain names by a lengthy period. The Respondent is in no way associated with the Complainant, and the Complainant has not licensed, approved, or in any way consented to the Respondent's registration of the disputed domain names and the incorporation of the Complainant's trademark therein. The Respondent has no trademark rights in the BELFIUS mark and does not seem to carry out any legitimate activity. There is no reason why the Respondent should adopt this word combination in a domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names and in fact is not making any use thereof in connection with an active website or even indicating demonstrable preparations for their use. Passive holding or non-use of domain names is, in appropriate circumstances, evidence of a lack of rights or legitimate interests therein.

### **Registered and used in bad faith**

The Complainant's trademark has been registered since 2012 while the disputed domain names were registered between April 27, 2022 and May 16, 2022. The Respondent knows or should have known of the Complainant's trademark or else has exercised the kind of willful blindness that numerous panels have held to support a finding of bad faith. If the Respondent had conducted some good faith searches before registering the disputed domain names, it would have readily found reference to the Complainant and appreciated the likelihood of confusion. The Complainant has established a substantial presence on the Internet and has registered more than 200 domain names incorporating its BELFIUS trademark in the generic Top-Level Domain and country code Top-Level Domain spaces worldwide, including <belfius.com> and <belfius.be>. The composition of the disputed domain names suggests the Respondent's knowledge of the Complainant's mark and mere coincidence of an identical name cannot be accepted. Numerous panels under the Policy have found that a respondent's awareness of a complainant's trademark rights at the time of registration suggests bad faith.

The Respondent has done nothing lawful or *bona fide* with the disputed domain names. There is no evidence of use in connection with any type of legitimate business or even that the Respondent has been commonly known by the disputed domain names. As the Respondent does not have any rights or legitimate interests in the disputed domain names, it cannot pretend that it will use them in good faith. Passive holding of a domain name may amount to bad faith when it is difficult to imagine any plausible future active use by the respondent that would be legitimate and not infringing the Complainant's well-known mark or unfair competition and consumer protection legislation.

Concealment of the Respondent's identity is an indication of bad faith if it was not inspired by a legitimate need to protect the Respondent's identity but solely to make it difficult for the Complainant to protect its trademark rights, and it renders trademark protection unnecessarily difficult. The Respondent did not reply to the cease and desist notice sent by the Complainant, which supports an inference of bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (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 Respondent has 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.

#### **A. Preliminary issue: Consolidation of Complaints against Multiple Registrants**

The Complainant has requested that its complaints be consolidated in respect of eleven domain names featuring eleven different sets of registrant details. The Complainant asserts that such domain names are under common control. Paragraph 10(e) of the Rules provides that a panel shall decide a request by a party to consolidate multiple domain name disputes in accordance with the Policy and the Rules. In the case of multiple differently named registrants, such consolidation may be appropriate where the particular circumstances of the case indicate that common control is being exercised over the domain names concerned, or over the websites to which said domain names resolve, provided also that such consolidation would be fair and equitable to all parties and is procedurally efficient (see section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and the cases cited there).

*Indicia* of common control over domain names includes commonalities in registrant information, such as shared administrative or technical contacts, or shared telephone numbers, postal or email addresses, or other circumstances in the record indicating that the respondents are related or that a sufficient unity of interests otherwise exists that they may be essentially treated as a single domain name holder for purposes of paragraph 3(c) of the Rules.

Turning to the domain names listed in the Complaint, the Panel has little hesitation in finding that the disputed domain names <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, <belfiuscompte.me>, and <direct-belfius.com> are under common control. The disputed domain names <be-belfius.com> and <belfiuscompte.me> have an almost identically named registrant, "Ray Wins" and "Rey wins" respectively. They share an almost identical registrant address where the principal difference is the street number, being "10" rather than "11". Meanwhile, the disputed domain names <belfiusbank.me> and <belfiuscompte.com> share a similar name to the registrant name of the former two domain names in the first part of their registrant contact email addresses, namely "raywins81", and use the same registrant address as the disputed domain name <belfiuscompte.me>. The disputed domain names <belfiusbank.me> and <belfiuscompte.com> were registered on the same day, namely April 27, 2022. Despite being registered with two different registrars, <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, and <belfiuscompte.me> are delegated to the same nameservers.

The disputed domain name <direct-belfius.com> appears at first sight to have no links with the disputed domain names <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, and <belfiuscompte.me>. It has a different registrant name, registrant contact details, registrar, and nameservers. Nevertheless, the disputed domain name <direct-belfius.com> was registered on the same day as the disputed domain name <be-belfius.com> and is composed in an identical way to that domain name, that is, starting with a word apparently relating to the Complainant's activities followed by a hyphen, in turn followed by the Complainant's trademark. The disputed domain name <direct-belfius.com> also uses the same generic Top-Level Domain as <be-belfius.com>, in this case ".com". It appears to the Panel to be a coincidence too far that independent registrants would have registered the disputed domain names <direct-belfius.com> and <be-belfius.com> on exactly the same day and composed them with exactly the same structure. Such links between <direct-belfius.com> and <be-belfius.com> in turn establishes a link with the other three domain names to which the latter is linked, namely <belfiusbank.me>, <belfiuscompte.com>, and <belfiuscompte.me>. It is therefore appropriate to consolidate the multiple registrants of these five domain names, and the Panel will refer to them collectively as "the Respondent" and the domain names concerned as "the Disputed Domain Names" in the remainder of this Decision.

The Panel does not see sufficient commonalities or links sufficient to consolidate the registrants in respect of the other disputed domain names put forward by the Complainant, namely, <befius.online>, <belfius.host>, <belfius-contact.com>, <belfiusinfo.online>, <mobilebelfius.co>, and <omgevinginlog-uwbelfius.digital>. There is no correlation between registrant names, addresses, contact email addresses, nameservers, or registration dates. Admittedly, two of these disputed domain names, <belfiusinfo.online> and <mobilebelfius.co>, share the same registrar, while <mobilebelfius.co> and <befius.online> share the same registrant country, namely Belgium. These similarities on their own are insufficient to provide an adequate link to those domain names which the Panel has found to be under common control as discussed above.

The Complainant's various additional arguments regarding the remaining domain names do not provide the Panel with sufficient indications of common control. The Complainant asserts that all of the domain names which it has listed were registered around the same time. However, the date range is March 31, 2022 to July 8, 2022. With the exception of the same day registration of <be-belfius.com> and <direct-belfius.com>, and of <belfiusbank.me> and <belfiuscompte.com>, the dates of registration of the remaining disputed domain names do not strike the Panel as sufficiently proximate on their own to suggest common control, particularly in the absence of other relevant commonalities in registrars, registration data, or configuration.

The Complainant suggests that the composition of the listed domain names is of significance but the Panel does not accept that the mere presence of the Complainant's mark in those domain names either on its own or with the different descriptive terms "contact", "info", "mobile", or "omgevinginlog-uw" provides an indication of common control. The Complainant submits that the registrant names and addresses seem to have been randomly picked, invented or stolen from existing persons but provides no further details which would allow the Panel to make a connection between them in this particular respect. In any event, whether or not the identities have been stolen or invented, some of the registration data of the entire list of disputed domain names contains evident similarities, as discussed above, and some does not. The Panel has grouped those with similar data and has found that these are under common control. It is a common tactic for bad actors to register domain names under randomly picked, invented, or stolen identities but that would not by itself establish that the remaining disputed domain names in the Complainant's list are necessarily under common control without something more. Likewise, the Complainant asserts that the disputed domain names must be under common control because it did not receive responses to its related cease and desist notices but the Panel finds that argument to be unpersuasive.

In all of these circumstances, the Panel will consolidate the Complaints in respect of the Disputed Domain Names <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, <belfiuscompte.me>, and <direct-belfius.com>, and the Complaint with therefore proceed against them. The remaining disputed domain names <befius.online>, <belfius.host>, <belfius-contact.com>, <belfiusinfo.online>, <mobilebelfius.co>, and <omgevinginlog-uwbelfius.digital> will not be considered in this case (without prejudice to the filing of separate UDRP complaints).

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

The first element assessment under the Policy is typically conducted in two parts. First, the Complainant must demonstrate that it possesses UDRP-relevant rights in a trademark. Secondly, the Disputed Domain Names are individually compared to any such trademark to assess identity or confusing similarity, usually on a relatively straightforward side-by-side basis, typically disregarding the Top-Level Domain ("TLD") concerned as being primarily required for technical reasons. On the basis of such a comparison, if the Disputed Domain Names are seen to be identical to the trademark, identity will generally be found. If the trademark is otherwise identifiable in the Disputed Domain Names, confusing similarity will usually be found.

The Panel finds that the Complainant has UDRP-relevant rights in its BELFIUS registered trademark as outlined in the factual background section above. Comparing this to each of the Disputed Domain Names, it may be seen that each contains the Complainant's mark in its entirety, together with the terms "be", "bank", "compte", and "direct".

These additional terms and the hyphens in the Disputed Domain Names <be-belfius.com> and <direct-belfius.com> in no way affect the recognizability of the Complainant's trademark (on the subject of the addition of other terms to a trademark in a domain name, see section 1.8 of the [WIPO Overview 3.0](#)).

In all of the above circumstances, the Panel finds that each of the Disputed Domain Names is confusingly similar to a trademark in which the Complainant has rights and therefore that the Complainant has carried its burden with regard to the requirements of paragraph 4(a)(i) of the Policy.

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

Paragraph 4(c) of the Policy lists several ways in which the Respondent may demonstrate rights or legitimate interests in the Disputed Domain Names:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The consensus of previous decisions under the Policy is that a complainant may establish this element by making out a *prima facie* case, not rebutted by the respondent, that the respondent has no rights or legitimate interests in a domain name. In the present case, the Panel finds that the Complainant has established the requisite *prima facie* case based on its submissions that the Respondent is in no way associated with it, that it has not licensed, approved, or in any way consented to the Respondent's registration of the Disputed Domain Names incorporating the Complainant's trademark, that the Respondent has no trademark rights in the BELFIUS mark and does not seem to carry out any legitimate activity, that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Names, nor making any use or demonstrable preparations to use them, and that “Belfius” is an invented brand name composed of several elements such that there is no reason why the Respondent should adopt this combination in the Disputed Domain Names.

In the above circumstances, the burden of production shifts to the Respondent to bring forward evidence of any rights or legitimate interests which it might have in the Disputed Domain Names. The Respondent has remained silent and has not engaged with the present proceeding. There are no submissions or evidence available which might have supported any claim of rights or legitimate interests in respect of the Disputed Domain Names. The Panel has been unable to determine any likely rights or legitimate interests which the Respondent might have claimed had it participated in this administrative proceeding. In particular, the Panel notes that each of the Disputed Domain Names is confusingly similar to the Complainant's BELFIUS trademark which represents an invented term that is likely to be exclusively referable to the Complainant and its rights. The combination of such mark in each of the Disputed Domain Names either with various terms connected with banking (“bank”, “compte”, and “direct”) or with the letters “be” (likely signifying the Complainant's home country of Belgium) suggest that the Respondent was deliberately seeking to trigger an inference of affiliation with the Complainant, potentially with a view to impersonating the Complainant for its own financial gain. In the Panel's view, this would not confer any rights or legitimate interests upon the Respondent.

In all of these circumstances, the Panel finds that the Respondent has failed to rebut the Complainant's *prima facie* case that the Respondent has no rights and legitimate interests in the Disputed Domain Names, and accordingly that the Complainant has carried its burden in terms of paragraph 4(a)(ii) of the Policy.

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

Paragraph 4(b) of the Policy provides four, non-exclusive, circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- “(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out of pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

In the present case, the Complainant cites a number of factors that may indicate registration and use in bad faith. First, the Complainant notes that its trademark predates the registration of the Disputed Domain Names by a considerable period, namely around a decade. The combination of the Complainant's invented brand name and trademark BELFIUS with the terms “bank”, “compte”, “direct”, and “be”, as discussed in the preceding section, indicate to the Panel on the balance of probabilities that the Respondent registered the Disputed Domain Names with knowledge of the Complainant's mark and with intent to target it. Although no use of the Disputed Domain Names has apparently been made (other than possibly <belfiuscompte.me>, which the Complainant indicates is subject to an Internet browser warning), such non-use would not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

Considering the usual passive holding factors in turn, the Panel first notes that the Complainant's mark is distinctive given its invented nature and the fact that it has been in use nationally for the Complainant's banking services, and viewable internationally in connection with sporting sponsorship for many years. Secondly, the Respondent has failed to submit a response or provide evidence of any actual or contemplated good faith use of the Disputed Domain Names. Thirdly, it has been alleged, and the Respondent has not denied, that it has used false contact details in connection with the Disputed Domain Names and that this was not inspired by a legitimate need to protect the Respondent's identity but solely to make it difficult for the Complainant to protect its trademark rights. Fourthly and finally, given the presence of the Complainant's distinctive mark in the Disputed Domain Names it is implausible that they might be put to any good faith use if configured for operation.

In all of the above circumstances, the Panel finds that the Disputed Domain Names have been registered and are being used in bad faith and therefore that the Complainant has carried its burden in terms of paragraph 4(a)(iii) 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:

(a) the Disputed Domain Names <be-belfius.com>, <belfiusbank.me>, <belfiuscompte.com>, <belfiuscompte.me>, and <direct-belfius.com> be transferred to the Complainant; and

(b) the Complaint is denied as regards the disputed domain names <befius.online>, <belfius.host>, <belfius-contact.com>, <belfiusinfo.online>, <mobilebelfius.co>, and <omgevinginlog-uwbelfius.digital> (without prejudice to the filing of separate UDRP complaints).

*/Andrew D. S. Lothian/*

**Andrew D. S. Lothian**

Sole Panelist

Date: December 7, 2022