

ADMINISTRATIVE PANEL DECISION

Belfius Bank S.A. / Belfius Bank N.V. v. Napa Viano, Naia Vivian, Carolina Rodrigues, Fundacion Comercio Electronico, Xapa Wava, Wgay Ala, awafan paul, Maxime On Morond, Maxiime Dudur, Agar Kebon, Rasta Clart
Case No. D2023-0115

1. The Parties

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

The Respondents are Napa Viano, Russian Federation, Naia Vivian, Carolina Rodrigues, Fundacion Comercio Electronico, Panama, Xapa Wava, United States of America (“United States”), Wgay Ala, United States, awafan paul, Nigeria, Maxime On Morond, France, Maxiime Dudur, France, Agar Kebon, France, Rasta Clart, United States.

2. The Domain Names and Registrars

The disputed domain names <belfiuscombelgium.com>, <belfius-id.com>, <id-belfius.com> <login-belfius-be.com> (“Disputed Domain Names”) are registered with Google LLC (the “Registrar”).

The disputed domain names <belfius-go.site>, <belfius-ig.site>, <belfius-net.online>, <belfius-net.site>, <belfius.pw>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfius-sg.site>, <belfius-wa.site>, <belfius-ta.site>, <belfius.space>, and <belfius-xa.site> (“Disputed Domain Names”) are registered with Registrar of Domain Names REG.RU LLC (the “Registrar”).

The disputed domain names <belfius-land.com>, <belfiusme.com>, <mijn-belfius.com>, <belfiusr.com>, <belfiusv.com> and <belfiusx.com> (“Disputed Domain Names”) are registered with Hosting Concepts B.V. d/b/a Registrar.eu (the “Registrar”).

The disputed domain name <belfius-smsaanzetten.buzz> (“Disputed Domain Name”) was registered with NameSilo LLC (the “Registrar”).

The disputed domain name <mobilebelfius.com> (“Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2023. On January 11, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Disputed Domain Names. On January 11, January 12 and January 13, 2023, the Registrars transmitted by email to the Center their verification responses 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 February 2, 2023, with the registrants and contact information disclosed by the Registrars, inviting the Complainant to submit an amendment to the Complaint demonstrating that the Disputed Domain Names were under common control or to file a separate Complaint for each of the Disputed Domain Names. The Complainant filed an amended Complaint on February 6, 2023.

On February 2, 2023, the Center transmitted an email communication to the Parties in English and Russian regarding the language of the proceeding. On the same date, the Complainant submitted a request that English be the language of the proceeding. The Respondents did not comment on the language of the proceeding.

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 in the English and Russian of the Complaint, and the proceedings commenced on February 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on March 7, 2023.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on March 22, 2023. 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 and financial services provider with over 650 agencies and over 5,000 employees.

The Complainant owns some trademarks consisting in all or in part of the term “belfius”, including but not limited to:

- European Union Trade Mark No. 010581205 for BELFIUS, registered on May 24, 2012, in International Classes 9, 16, 35, 36, 41, and 45;
- Benelux Trademark No. 0914650 for BELFIUS, registered on May 10, 2012, in International Classes 9, 16, 35, 36, 41, and 45;
- Benelux Trademark No. 0915962 for BELFIUS (figurative), registered on June 11, 2012, in International Classes 9, 16, 35, 36, 41, and 45;
- Benelux Trademark No. 0915963 for BELFIUS (figurative), registered on June 11, 2012, in International Classes 9, 16, 35, 36, 41, and 45.

The Complainant also owns over 200 domain names featuring BELFIUS trademark, *inter alia* the domain name <belfius.be>, which resolves to its official website where it offers banking and insurance services, and the domain name <belfius.com>, which resolves to a website intended for institutional partners and journalists.

The Respondents, in between August 30 and November 1, 2022, registered twenty-seven (27) Disputed Domain Names, namely: <belfius-go.site>, <belfius-ig.site>, <belfius-net.online>, <belfius-net.site>, <belfius.pw>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfius-sg.site>, <belfius-wa.site>, <belfius-xa.site>, <belfius-ta.site>, <belfius.space>, <belfius-land.com>, <belfiusme.com>, <mijn-belfius.com>, <belfiusr.com>, <belfiusv.com>, <belfiusx.com>, <belfiuscombelgium.com>, <belfius-id.com>, <id-belfius.com>, <login-belfius-be.com>, <belfius-smsaanzetten.buzz>, and <mobilebelfius.com>. As the date of this Decision, the Disputed Domain Names <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com>, <mijn-belfius.com>, <belfiusme.com> resolve to identical/similar parking pages containing sponsored links to various third-party contents. Meanwhile, the remaining Disputed Domain Names resolves to inactive websites.

The Complainant sent warning letters to the Respondents via the respective Registrars of the Disputed Domain Names to draw attention upon the breach of the Complainant's trademark rights and to obtain the transfer of the Disputed Domain Names, but the Respondents did not respond.

5. Parties' Contentions

A. Complainant

The Complainant contends that each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case, as follows:

- (i) The Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

First, the Complainant submits that the Complainant is the owner of several BELFIUS prior-registered trademarks, trade names, and domain names.

Second, the Complainant asserts that the Disputed Domain Names are confusingly similar to the BELFIUS trademark owned by the Complainant since the Disputed Domain Names incorporate the Complainant's BELFIUS trademark in its entirety or slightly misspelled version of BELFIUS. The mere addition of the non-distinctive terms "go", "id", "land", "me", "net", "qr", "sg", "mobile", "sms", "aanzetten" (Dutch for "turn on"), "mijn" (Dutch for mine), "belgium", "login", "be", or the random letters or letter combination "ig", "qa", "rr", "sg", "ta", "r", "v", "wa", "x", "xa" does not lessen the inevitable confusion of the Disputed Domain Names with the Complainant's BELFIUS trademark. On the contrary, the Complainant asserts that the addition of these terms and letters strengthens the association with the Complainant's and its BELFIUS trademark as it obviously refers to the activities of the Complainant.

Finally, the Complainant argues that the addition of the generic Top-Level Domains ("gTLD") should not be taken into account under the first element.

- (ii) The Respondents have no rights or legitimate interests in respect of the Disputed Domain Names.

The Complainant contends that the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names, by arguing that the Respondents are neither affiliated with the Complainant in any way nor have they been authorized by the Complainant to use and register its trademark, or to seek registration of any domain name incorporating the said trademark. The Respondents cannot claim prior rights or legitimate interests in the Disputed Domain Names, as the Complainant's BELFIUS trademark predates the registration of the Disputed Domain Names.

Second, there is no evidence that the Respondents own any trademark rights on BELFIUS and do not seem to carry out any legitimate activity. Thus, there is no reason why the Respondents should adopt this word combination in the Disputed Domain Names.

Third, the Respondents are not making a legitimate noncommercial or fair use of the Disputed Domain Names. In fact, the Respondent is not making any use of the Disputed Domain Names in connection with an active website or even indicating demonstrable preparations to use the Disputed Domain Names.

(iii) The Disputed Domain Names were registered and are being used in bad faith.

First, the Complainant submits that the Disputed Domain Names are registered in bad faith. The Complainant's trademark registrations significantly predate the registrations of the Disputed Domain Names. Moreover, it is evident that the Respondents had or should have had knowledge of the existence of the Complaint and its BELFIUS trademark, as the Disputed Domain Names incorporate the Complainant's trademark BELFIUS in its entirety, or with the addition of non-distinctive words/letters. Mere coincidence of an identical name cannot be accepted and the choice of these words further indicates that the Respondents were aware of the Complainant.

Second, the Complainant submits that the Disputed Domain Names are being used in bad faith. At the moment of the submission of the Complaint, the Respondents clearly do not use or have the intention to use the Disputed Domain Names for purposes of *bona-fide* offering of goods and services over the Internet. The Complainant also contends that passive holding does not preclude a finding of bad faith, thus the state of inactivity does not mean that the Disputed Domain Names are used in good faith. Furthermore, there is no evidence of use, or demonstrable preparations to use and there is no evidence that the Respondents have ever been commonly known by the Disputed Domain Names. The Complainant also asserts that the concealment of the Respondents' identity is an indication of bad faith. In addition, the Respondents have not yet replied and simply disregarded all communication attempts and notices given by the Complainant, which can be considered relevant in a finding of bad faith.

Therefore, the Complainant contends that the Respondents should be considered to have registered and to be using the Disputed Domain Names in bad faith.

Consequently, the Complainant contends that the three elements under the Policy have been established and requests for a transfer of the Disputed Domain Names to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Procedural Issue

(i) Consolidation and/or addition of further domain names

The Complainant has requested that the Complaint be consolidated against all of the Respondents of all twenty-seven (27) Disputed Domain Names, namely, <belfius-go.site>, <belfius-ig.site>, <belfius-net.online>, <belfius-net.site>, <belfius.pw>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfius-sg.site>, <belfius-wa.site>, <belfius-xa.site>, <belfius-ta.site>, <belfius.space>, <belfius-land.com>, <belfiusme.com>, <mijn-belfius.com>, <belfiusr.com>, <belfiusv.com>, <belfiusx.com>, <belfiuscombelgium.com>, <belfius-id.com>, <id-belfius.com>, <login-belfius-be.com>, <belfius-smsaanzetten.buzz>, and <mobilebelfius.com>.

Paragraph 10(e) of the Rules provides for the consolidation of multiple domain name disputes: "A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules". Under paragraph 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), proceedings against more than one respondent may be consolidated where "(i) the domain names or corresponding websites are subject to common control, and

(ii) the consolidation would be fair and equitable to all parties”.

In this case, the Panel finds that the Complainant has failed to provide clear evidence that all twenty-seven (27) Disputed Domain Names are subject to common control. Having assessed comprehensively, the Panel finds that there are four (4) following groups of Disputed Domain Names that can be under the sole management, with particulars:

Group	No.	Disputed Domain Names	Respondents	Registrars	Date of Reg.	Status
G1	1	<belfius.pw>	Napa Viano	REG.RU LLC	September 12, 2022	Inactive
	2	<belfius.space>			September 12, 2022	
	3	<belfius-go.site>			September 13, 2022	
	4	<belfius-ig.site>			September 13, 2022	
	5	<belfius-sg.site>			September 13, 2022	
	6	<belfius-ta.site>			September 14, 2022	
	7	<belfius-wa.site>			September 14, 2022	
	8	<belfius-xa.site>			September 13, 2022	
G2	9	<belfius-net.online>	Naia Vivian		September 26, 2022	Inactive
	10	<belfius-net.site>			September 14, 2022	
	11	<belfius-qa.site>			September 21, 2022	
	12	<belfiusqr.online>			September 21, 2022	
	13	<belfiusqr.site>			September 21, 2022	
	14	<belfiusqr.space>			September 21, 2022	
	15	<belfiusrr.site>			September 21, 2022	
G3	16	<belfiusr.com>	Xapa Waya	Hosting Concepts B.V. d/b/a Registrar.eu	September 1, 2022	Parking page
	17	<belfius-land.com>			August 30, 2022	Parking page
	18	<belfiusv.com>			September 1, 2022	Parking page
	19	<belfiusx.com>			September 1, 2022	Parking page
	20	<mijn-belfius.com>			September 1, 2022	Parking page
G4	21	<belfiusme.com>	wqay Ala	Hosting Concepts B.V. d/b/a Registrar.eu	September 3, 2022	Parking page
#	22	<mobilebelfius.com>	Carolina Rodrigues, Fundacion Comercio Electronico	Go Daddy	November 1, 2022	Parking page
#	23	<belfiuscombelgium.com>	Awafan paul	Google	October 15, 2022	Inactive
#	24	<belfius-id.com>	Maxime On Morond		October 14, 2022	Inactive
#	25	<login-belfius-be.com>	Agar Kebon		October 27, 2022	Inactive
#	26	<belfius-smsaanzetten.buzz>	Rasta Clart	Namesilo	October 9, 2022	Inactive
#	27	<id-belfius.com>	Maxiime Dudur	Google	October 15, 2022	Inactive

From the above table, the Panel finds the followings:

- All Disputed Domain Names in group G1 and group G3 share the same contact email;
- All Disputed Domain Names in group G1 and group G2 were registered at the same Registrar - REG.RU LLC within September 2022 (*i.e.* from September 12, 2022, to September 26, 2022). None of these Disputed Domain Names resolves to an active webpage. Furthermore, all Disputed Domain Names in these groups share the same structure containing the Complainant's trademark BELFIUS and non-distinctive words/letters;
- All Disputed Domain Names in group G3 and group G4 were registered at the same Registrar - Hosting Concepts B.V. d/b/a Registrar.eu and created at the same time (between August 30, 2022, and September 3, 2022). Furthermore, the Disputed Domain Name <belfiusme.com> in group G4 resolves to a parking page, which shares the same patterns and similar template with all Disputed Domain Names in group G3.

From the foregoing, the Panel finds that twenty-one (21) Disputed Domain Names in the above four (4) groups are under common control. Therefore, the Panel only accepts the request for consolidation of twenty-one (21) Disputed Domain Names in the above four (4) groups to the current proceeding: <belfius.pw>, <belfius.space>, <belfius-go.site>, <belfius-ig.site>, <belfius-sg.site>, <belfius-ta.site>, <belfius-wa.site>, <belfius-xa.site>, <belfius-net.online>, <belfius-net.site>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com>, <mijn-belfius.com>, <belfiusme.com>.

The claims against the Respondents Carolina Rodrigues, awafan paul, Maxime On Morond, Maxiime Dudur, Agar Kebon, Rasta Clart with regard to six (6) Disputed Domain Names <mobilebelfius.com>, <belfiuscombelgium.com>, <belfius-id.com>, <id-belfius.com>, <login-belfius-be.com>, <belfius-smsaanzetten.buzz> will be dismissed without prejudice. The Complainant is free to re-file separate complaints under the Policy as to those Respondents and their associated Disputed Domain Names.

(ii) Language of the Proceeding

The Complaint was filed in English, while the Registrars informed that the languages of registration agreements for twenty-one (21) Disputed Domain Names are Russian and English.

As the Complaint was filed in English only, the Center, in its notification dated February 2, 2023, invited the Complainant to submit either (i) satisfactory evidence of an agreement between the Complainant and the Respondents to the effect that the proceeding should be in English, or (ii) submit the Complaint translated into Russian, or (iii) a substantiated request for English be the language of the proceeding by February 7, 2023.

On February 2, 2023, the Complainant submitted a request that English be the language of the proceeding. According to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

Similar to previous UDRP decisions, the Panel finds that the spirit of paragraph 11(a) is to ensure fairness in the selection of language by giving full consideration to the Parties' level of comfortability with each language, the expenses to be incurred, and the possibility of delay in the proceeding in the event translations are required and other relevant factors (*see, e.g., Deutsche Messe AG v. Kim Hyungho*, WIPO Case No. [D2003-0679](#)).

In the present case, the Panel takes into account the circumstances of the proceeding, including, but not limited to:

- (i) the fact that the Complainant, a Belgian entity, does not appear to be able to communicate in Russian, and therefore, if the Complainant was required to have the documents translated into Russian, the proceeding would be unduly delayed, and the Complainant would have to incur substantial expenses for translation;
- (ii) the Disputed Domain Names contain English words, *i.e.*, “space”, “online”, “land”, “login”, “site” indicating that the underlying registrants of all the Disputed Domain Names have knowledge of the English language;
- (iii) the Respondents did not object for English to being the language of the proceeding and did not submit a Response in either English or Russian.
- (iv) all twenty-one (21) Disputed Domain Names, including those are subject to the registration agreements written in English, are under common control.

Therefore, for the purpose of easy comprehension of the Complainant (ultimately, the party solely taking part in the proceeding) of the Panel’s decision without any necessity of translations, and in the interest of fairness to both Parties as well as the Panel’s obligation under paragraph 10(c) of the Rules, which provides that “the Panel shall ensure that the administrative proceeding takes place with due expedition”, the Panel hereby decides, under paragraph 11(a) of the Rules, that the language of the proceeding shall be English and shall render its decision in English.

(iii) The Respondents’ Failure to Respond

The Respondents’ failure to file a Response does not automatically result in a decision in favor of the Complainant (see, *e.g.*, *Tradewind Media, LLC d/b/a Intopic Media v. Jayson Hahn*, WIPO Case No. [D2010-1413](#), and *M. Corentin Benoit Thiercelin v. CyberDeal, Inc.*, WIPO Case No. [D2010-0941](#)). However, the Panel may draw appropriate inferences from the Respondents’ default.

B. Identical or Confusingly Similar

The Complainant is required to establish the two following elements: (1) that it has trademark rights, and, if so, (2) that the Disputed Domain Names are identical or confusingly similar to its trademark.

First, the Panel finds that the Complainant has evidenced that it has rights in and to the BELFIUS trademark, which was registered in several countries before the registrations of the Disputed Domain Names.

Secondly, the Panel finds that the BELFIUS trademark remains clearly recognizable in the Disputed Domain Names:

- Twenty-one (21) Disputed Domain Names, namely <belfius.pw>, <belfius.space>, <belfius-go.site>, <belfius-ig.site>, <belfius-sg.site>, <belfius-ta.site>, <belfius-wa.site>, <belfius-xa.site>, <belfius-net.online>, <belfius-net.site>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com>, <mijn-belfius.com>, <belfiusme.com>, incorporate entirely the Complainant’s BELFIUS trademark.
- Further, in the Panel’s view, the addition of the hyphen and non-distinctive words/letters in several Disputed Domain Names cannot prevent findings of confusing similarity between the Complainant’s trademarks and the Disputed Domain Names. See [WIPO Overview 3.0](#), section 1.8.

Finally, the Panel finds, similarly to other UDRP panels, that the addition of the gTLDs “.pw”, “.space”, “.site”, “.online”, and “.com” to the Disputed Domain Names does not constitute an element as to avoid confusing similarity for the Policy purposes (see, e.g., *Volkswagen AG v. Privacy Protection Services*, WIPO Case No. [D2012-2066](#); *The Coca-Cola Company v. David Jurkiewicz*, WIPO Case No. [DME2010-0008](#); *Telecom Personal, S.A. v. NAMEZERO.COM, Inc.*, WIPO Case No. [D2001-0015](#); *F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.*, WIPO Case No. [D2006-0451](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

Based on the foregoing findings, the Panel finds that all Disputed Domain Names are confusingly similar to the Complainant’s BELFIUS trademark, and paragraph 4(a)(i) of the Policy is established.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy lists circumstances, in particular but without limitation, which, if found by the Panel to be proved, demonstrate the Respondents’ rights or legitimate interests in the Disputed Domain Names for the purposes of paragraph 4(a)(ii) of the Policy, including:

- “(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.”

Noting the facts and arguments set out above, the Panel finds that the Complainant has made out a *prima facie* case that the Respondents have no rights or legitimate interests in the Disputed Domain Names. The Respondents did not reply to the Complainant’s contentions and, therefore, did not refute the Complainant’s contentions.

The consensus of previous UDRP panels is that while the overall burden of proof in UDRP proceedings is on the complainant, once a *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating its rights or legitimate interests in the disputed domain name (see e.g., *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. [D2000-0270](#); *Julian Barnes v. Old Barn Studios Limited*, WIPO Case No. [D2001-0121](#)). In this instant case, the Panel finds that the Respondents have failed to meet that burden since no response was submitted for evidence to the contrary.

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, in light of the Complainant’s asserted facts, that no license, permission or authorization of any kind to use the Complainant’s trademark has been granted to the Respondents. There is no evidence available that the Respondents hold any registered or unregistered trademark rights in any jurisdiction. Thus, the Panel finds that the Respondents have no rights in the BELFIUS trademark.

The Disputed Domain Names in group G1 and group G2 resolve to an inactive website as of the date of this decision. No evidence is available on the Respondent’s preparation to use the Disputed Domain Names in connection with a *bona fide* offering of goods or services. Hence, in absence of this evidence, the Panel is of the view that paragraph 4(c)(i) is not met.

Besides, the Panel finds that the Disputed Domain Names in group G3 and group G4 resolve to the identical/similar parking pages with Pay-Per-Click (“PPC”) links that redirect Internet users to other online locations. In this regard, section 2.9 of the [WIPO Overview 3.0](#) holds that “the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users”.

In this present case, the Panel accesses the website under the Disputed Domain Name <belfiusme.com> and finds some PPC refer to topics of financial and insurance services, which compete directly with the Complainant's services. Hence, in light of the foregoing viewpoint and similarly to a number of well-established prior UDRP decisions, the Panel upholds that operating PPC parking page using a distinctive trademark and providing connection to goods and/or services competitive with the trademark owner does not establish *bona fide* offering of goods or services (see, e.g., *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#); *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#); *Archer-Daniels-Midland Company v. Wang De Bing*, WIPO Case No. [D2017-0363](#)).

Regarding 5 Disputed Domain Names <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com> and <mijn-belfius.com>, although the websites thereunder do not contain PPC links related to the goods/services identical/similar to those under the Complainant's BELFIUS trademarks, considering that all 21 Disputed Domain Names are under a common control as analyzed in Section 6.A.(i) above, the Panel is still of the opinion that the Respondents do not use these 5 Disputed Domain Names <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com> and <mijn-belfius.com> in connection with *bona fide* offering of goods or services.

Regarding paragraphs 4(c)(ii) and 4(c)(iii) of the Policy, the Panel finds that there is no evidence that would suggest that the Respondents, as an individual, business, or other organization, have been commonly known by the Disputed Domain Names, or that the Respondents are making a legitimate noncommercial or fair use of the Disputed Domain Names. In fact, by incorporating the Complainant's distinctive trademark in its entirety within the Disputed Domain Names, the composition of the Disputed Domain Names is such to carry a risk of Internet user confusion, contrary to the fact, which cannot constitute fair use. Accordingly, the Panel finds that the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names and the second element, paragraph 4(a)(ii) of the Policy is established.

Accordingly, the Panel finds that the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names, and the second element under paragraph 4(a)(ii) of the Policy is established.

D. Registered and Used in Bad Faith.

Paragraph 4(b) of the Policy identifies, in particular but without limitation, four circumstances which, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, including:

“(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 website 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.”

The above four circumstances are not exhaustive and bad faith may be found by the Panel alternatively.

The Panel finds that the Complainant has put forth sufficient evidence that the Respondents have registered and used the Disputed Domain Names in bad faith. The Respondents did not reply to the Complainant's contentions and, therefore, did not refute the Complainant's contentions.

The Panel finds that the Complainant's BELFIUS trademark is inherently distinctive, and has been registered as well as widely used in several countries, that it is most unlikely the Respondent might have registered the Disputed Domain Names without full knowledge of it. Moreover, the Panel also finds that the Respondents intentionally chose to register Disputed Domain Names incorporating the Complainant's BELFIUS trademark and non-distinctive words/letters. Therefore, the Panel is convinced that the Respondents were fully aware of the Complainant when registering the Disputed Domain Names.

On the date of this Decision, the Panel accesses the 6 Disputed Domain Names <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com>, <mijn-belfius.com>, <belfiusme.com> and finds that they are still resolving to PPC parking pages, where some of the PPC links are redirecting Internet users to websites of the Complainant's competitors. These facts, in the Panel's view, are evidence of bad faith use.

Besides, the Panel finds that the 15 remaining Disputed Domain Names are not being used as they resolve to inactive websites. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

With the said facts, the Panel opines that the Respondents' purpose in registering the Disputed Domain Names is to capitalize on the substantial presence and goodwill of the Complainant's trademark, and thus generate unjustified revenues. Such misleading behavior is indicative of bad faith within the meaning of paragraph 4(b) of the Policy, on the part of the Respondents.

In light of the foregoing, the Panel finds that the Disputed Domain Names were registered and are being used by the Respondents in bad faith, and the third element under paragraph 4(a)(iii) of the Policy is 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 twenty-one (21) Disputed Domain Names, <belfius.pw>, <belfius.space>, <belfius-go.site>, <belfius-ig.site>, <belfius-sg.site>, <belfius-ta.site>, <belfius-wa.site>, <belfius-xa.site>, <belfius-net.online>, <belfius-net.site>, <belfius-qa.site>, <belfiusqr.online>, <belfiusqr.site>, <belfiusqr.space>, <belfiusrr.site>, <belfiusr.com>, <belfius-land.com>, <belfiusv.com>, <belfiusx.com>, <mijn-belfius.com>, <belfiusme.com>, be transferred to the Complainant.

The Panel dismisses without prejudice Complainant's claims against Respondents Carolina Rodrigues, awafan paul, Maxime On Morond, Maxiime Dudur, Agar Kebon, Rasta Clart with regard to six (6) Disputed Domain Names <mobilebelfius.com>, <belfiuscombeldgium.com>, <belfius-id.com>, <id-belfius.com>, <login-belfius-be.com>, <belfius-smsaanzetten.buzz>. The Complainant shall be free to bring appropriate subsequent proceedings against the identified Respondents and corresponding domain names.

/Pham Nghiem Xuan Bac/

Pham Nghiem Xuan Bac

Sole Panelist

Date: April 5, 2023