

## **ADMINISTRATIVE PANEL DECISION**

**Belfius Bank SA / Belfius Bank NV v. aanvraag indienen and ronald lady**  
**Case No. D2023-2660**

### **1. The Parties**

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

The Respondents are aanvraag Indienen and ronald lady, Belgium.

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

The disputed domain name <belfiu-be.com>, and <belfiu-directnet.com> are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 21, 2023. On June 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 21, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 22, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 23, 2023.

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 July 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 24, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on July 27, 2023.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 8, 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 Belfius Bank SA is a government owned banking corporation based in Belgium where it is mainly active. The Complainant is the owner of registered trademarks, *inter alia* in relation to banking services in class 36. These registered trademarks include European Union registration no. 010581205 BELFIUS, filed on January 23, 2012, and registered on May 24, 2012; Benelux registration no. 914650 BELFIUS, filed on January 23, 2012, and registered on May 10, 2012, and Benelux registration nos. 915963 and 915962 BELFIUS (fig.), filed on March 2, 2012, and registered on June 11, 2012.

The Complainant also owns and operates websites at the <belfius.be> and <belfius.com> domain names and has several trading names including the term BELFIUS.

The disputed domain names <belfiu-be.com>, and <belfiu-directnet.com> were registered on May 8, and 28, 2023, respectively and do not resolve to any active webpages.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant requests consolidation of these proceedings as they relate to two different domain names held by apparently different parties. The Complainant submits that both disputed domain names are in fact under the common management and control of a single entity or network, and points to the following circumstances in support: both disputed domain names were created around the same date (May 8 and 28, 2023); the same privacy protection service was used in relation to the Respondent data; neither of the domain names resolves to an active webpage; both disputed domain names use the same Registrar; the addresses of the two apparent Respondents do not exist in Belgium and their names appear to be fictional; and both concern identical cases of "typosquatting" since they contain a slight misspelling the Complainant's registered trademark (*i.e.* "belfiu" instead of Belfius). The Complainant maintains that the consolidation of the two disputes would be fair and equitable, since they involve common facts and legal issues, and dealing with them together would promote the shared interests of the Parties in avoiding unnecessary duplication in time, effort and expense. The Complainant points out that there need not be a single identified person or entity, but that a common enterprise in control of multiple domain names is sufficient to warrant consolidation.

Although the registration agreement is in English and therefore this proceeding is to be conducted in that language according to the Rules, the Complainant adds that most people in Belgium are sufficiently familiar with that language to avoid unfairness being occasioned by its use here.

The Complainant points out that it has more than 5,000 employees, over 650 agencies and is 100 percent owned by the Belgian government. The Complainant is a renowned bank and financial services provider with a solid reputation in Belgium and beyond. It asserts that the disputed domain names are composed of the Complainant's BELFIUS trademark, slightly misspelled, with the addition of the generic descriptive terms "be" (which is a reference to Belgium) and "directnet" (which is a reference to the direct network of agencies of the Complainant). The Complainant says that in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, will normally be considered confusingly similar to that mark for the purposes of UDRP standing. The additions of generic terms do not diminish the inevitable confusion between the disputed domain names and the Complainant's BELFIUS trademark. The Complainant adds that the present case is clearly one of typosquatting, since the disputed domain names are a misspelling of the Complainant's registered trademark where the letter "s" has been removed. The practice of typosquatting has been regarded consistently in previous Panel decisions as creating a domain name confusingly similar to the mark, the Complainant asserts.

The Complainant confirms that its trademark registrations for its BELFIUS trademarks predate the

Respondents' registration of the disputed domain names. The Respondents are in no way associated with the Complainant, who asserts that it has not licensed, approved or in any way consented to the Respondent's registration and use of the BELFIUS trademark. The Complainant asserts that the Respondents have no trademark rights on BELFIUS and do not seem to carry out any activity, and therefore there is no reason why the Respondents should adopt this word combination in a domain name. The Complainant also points out that the non-use of the disputed domain names demonstrates the absence of rights or legitimate interests on the part of the Respondents.

The Complainant's BELFIUS trademark was first registered in 2012, whereas the disputed domain names were only registered in May 2023, the Complainant notes. Therefore, the Respondents either know or should have known of the Complainant's trademark or else exercised the kind of willful blindness that numerous UDRP panels have held support a finding of bad faith. The Complainant adds that some simple Internet searches would have resulted in several references to the Complainant and its trademark.

The Complainant points to previous UDRP panel decisions, which found that the passive holding of domain names may amount to bad faith when it is difficult to imagine any plausible future active use of the disputed domain names by the Respondent that would be legitimate and not infringing the Complainant's well-known mark or unfair competition and consumer protection legislation. By registering domain names that are visually and phonetically similar to the Complainant's slightly misspelled trademark, the Respondents are intentionally attempting to take advantage of the Complainant's reputation by capturing traffic from Internet users. This form of typosquatting, the Complainant says, is considered bad faith within the meaning of the Policy.

As further indications of bad faith, the Complainant points to the concealment of the Respondents' identity; the provision of incomplete contact details; and the Respondents' failure to reply to the cease-and-desist notices sent by the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Consolidation**

The Complainant points to a number of factors that it argues justify consolidation of these proceedings relating to two disputed domain names with different registrant information. The two disputed domain names both contain slight misspellings of the BELFIUS trademark of the Complainant. They both have an additional descriptive element and are thus similar in composition. The registrant details point to addresses in Belgium and personal names that are likely fictitious, one ('aanvraag indienen') which is not a name but translates from the Dutch as 'submitting a request'. The two disputed domain names were registered at about the same time, and with the same Registrar, that being Namecheap, and using the same privacy service provider. There has been no communication or response from any party in relation to this proceeding or to the cease-and-desist demand notices of the Complainant. Neither of the disputed domain names resolves to any active webpage.

In the circumstances the Panel concludes that the two disputed domain names are more likely than not under the control of a single party, that separate proceedings would occasion duplication and waste, and that therefore the proceedings in relation to each should be consolidated. The Panel will refer to the "Respondent" in the decision.

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

The Panel is satisfied that the Complainant has registered trademark rights in the BELFIUS marks.

Neither of the disputed domain names <belfiu-be.com> and <belfiu-directnet.com> are identical to the BELFIUS registered trademark of the Complainant. However, the Panel notes that the Complainant's distinctive mark is immediately recognizable within both disputed domain names. The omission of the final "s" from the BELFIUS trademark is barely noticeable and readily overlooked. These factors alone are sufficient to satisfy the requirement of confusing similarity as it is understood. The additions of "be" and "directnet" are therefore of no consequence.

Therefore, the Panel holds that both of the disputed domain names are confusingly similar to the BELFIUS registered trademarks of the Complainant.

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

The Respondent has not submitted any Response to the Complaint or to any contentions of the Complainant in the present proceeding. Thus, the Respondent has not asserted any rights or legitimate interests in the disputed domain names. It has not responded to the cease-and-desist notification and to the attempts of the Complainant to communicate with it. The latter has not authorized the use of its BELFIUS trademark in any way. The contact information provided upon registration by the Respondent is more likely than not fictional, an attempt to disguise identity which is incompatible with any recognition of rights or legitimate interests. There is no indication before the Panel that the Respondent is known by the disputed domain names.

These facts also point to bad faith use, since it is difficult to imagine how any party could have a legitimate interest in registering a domain name that contains a deliberate but slight misspelling of a trademark that is distinctive and has a solid reputation in its core market. The whole exercise of registering the present disputed domain names is characteristic of an attempt to make some financial gain from appropriating another party's trademark and misleading consumers into making a false connection with the registered owner of that trademark. Such activities do not give rise to rights or legitimate interests.

Therefore, the Panel holds that the Respondent has no rights or legitimate interests in either of the disputed domain names.

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

The Complainant is a substantial bank with many branches in Belgium and about 5000 employees in that country. The Respondent chose addresses in Belgium when it provided details to the registrar and thus appears to be familiar with that jurisdiction. Given also the deliberate misspelling of the mark BELFIUS as "belfiu" and its careful composition of addition of terms in the disputed domain names further indicates the Respondent's knowledge of the Complainant's location and the nature of its activities. Thus, there can be little doubt that the Respondent was not aware of the Complainant's rights in the BELFIUS trademark at the time of registration (that is both May 8 and 28, 2023). These facts also point to bad faith use, since it is almost impossible to imagine any use of the disputed domain names that would not be either fraudulent or deceptive, and rely on misleading Internet users into thinking there was a connection between the disputed domain names and the Complainant's bank services they would be searching for.

Therefore, the Panel holds that both of the disputed domain names were registered and 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 names <belfiu-be.com>, and <belfiu-directnet.com> be transferred to the Complainant.

*/William A. Van Caenegem/*

**William A. Van Caenegem**

Sole Panelist

Date: August 17, 2023.