

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA / Belfius Bank NV v. web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***

Case No. D2024-1473

1. The Parties

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

The Respondent is web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <hibelfius.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2024. On April 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (web master, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 2024, 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 April 16, 2024.

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 Respondent of the Complaint, and the proceedings commenced on April 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 17, 2024.

The Center appointed Theda König Horowicz as the sole panelist in this matter on May 31, 2024. 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 bank and a financial services company headquartered in Belgium.

The Complainant is the owner of several trademarks for BELFIUS which is an invented word, including:

- European Union Trademark BELFIUS, registration No. 010581205 filed on January 23, 2012 and registered on May 24, 2012; and

- Benelux Trademark BELFIUS registration No. 914650 filed on January 23, 2012 and registered on May 10, 2012; and

The Complainant is also the owner of the Benelux trademark HI BELFIUS No. 1486902 filed on July 5, 2023, and registered on September 20, 2023 and extended to the EU under No 18943128 on October 27, 2023.

The Complainant is also the owner of numerous domain names reflecting its BELFIUS trademark including <belfius.be> which resolves to Complainant's official website and <belfius.com> which redirects to a website intended for institutional partners and journalists.

The disputed domain name was registered on October 27, 2023. The disputed domain name did not resolve to an active webpage at the time of filing the Complaint. It currently resolves to a Registrar's webpage offering the disputed domain name for sale for an amount of USD 2'850.00.

There is no information known on the Respondent apart from the details as they appear on the Whois record.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name is confusingly similar to the BELFIUS trademark in which the Complainant has rights as the disputed domain name incorporates the entire BELFIUS trademark. The addition of the term "hi" does not significantly affect confusing similarity. Furthermore, the disputed domain name is identical to Complainant's trademark "Hi Belfius".

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent is in no way associated with the Complainant. The Complainant declares that it has not licensed, approved or in any way consented to the Respondent's registration and use of its trademark in the disputed domain name. The Complainant contends that the Respondent has no trademark rights in the term "belfius" and does not seem to carry out any activity, being underlined that the disputed domain name resolves to an inactive website. As a matter of fact, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name as the Respondent is not making any use of the disputed domain name in connection with an active website or even indicating demonstrable preparations to use the disputed domain name.

The Complainant contends that the Respondent had or should have had knowledge of the Complainant's trademark when it registered the disputed domain name given the Complainant's substantial presence on the Internet. The Complainant then points to the fact that the disputed domain name is passively held and asserts that it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would be legitimate and not infringe the Complainant's rights or be in breach of consumer protection legislation. Moreover, the concealment of the Respondent's identity is an indication of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks BELFIUS and HI BELFIUS are reproduced within the disputed domain name. Accordingly, the disputed domain name is respectively confusingly similar and identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the case file, the Panel finds that there is no indication that the Respondent is known by the disputed domain name or has any rights corresponding to the disputed domain name. In particular, the Panel notes that the disputed domain name is inactive and that any potential legitimate interest can under the circumstances not be found.

Furthermore, the Panel finds that because the disputed domain name is identical to the Complainant's HI BELFIUS trademark any use of such domain name by the Respondent carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent, at the time of registration of the disputed domain name, must have been aware of the Complainant's trademark BELFIUS reproduced in the disputed domain name given (i) the reputation and online presence of the BELFIUS trademark and (ii) the targeted choice of the term "Hi Belfius" referring to a trademark registered by the Complainant shortly before the disputed domain name.

Furthermore, as for use of the disputed domain name in bad faith, having reviewed the available record, the Panel finds that the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding ([WIPO Overview 3.0](#), section 3.3) notably based on the following factors:

(i) the Complainant has shown that its BELFIUS trademark is an invented word having a distinctive character. The trademark BELFIUS has been registered and used for several years, including on the Internet. Furthermore, the disputed domain name is identical to HI BELFIUS, a trademark registered by the Complainant the same year as the disputed domain name which shows that the Respondent must have followed the Complainant's activity;

(ii) the Respondent has chosen not to respond in the present proceedings;

(iii) the Respondent's concealing its identity or use of false contact details.

Based on the available record, the Panel finds that the Complainant has established the third element 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 the disputed domain name <hibelfius.com> be transferred to the Complainant.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: July 1, 2024