

## **ADMINISTRATIVE PANEL DECISION**

Euronext N.V. v. sadsadsa asdsadsad  
Case No. D2024-1640

### **1. The Parties**

The Complainant is Euronext N.V., Netherlands (Kingdom of the), represented by LegalMatters.com B.V., Netherlands (Kingdom of the).

The Respondent is sadsadsa asdsadsad, Singapore.

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

The disputed domain names <euron-ext.com> and <euronextonline.com> are registered with NameSilo, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 18, 2024. On April 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 19, 2024, 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 (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 amendment to the Complaint on April 24, 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 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 21, 2024.

The Center appointed Zoltán Takács as the sole panelist in this matter on May 30, 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 one of the leading pan-European market infrastructure, connecting European economies to global capital markets.

It operates regulated exchanges in Belgium, France, Ireland, Italy, the Netherlands, Norway and Portugal. With close to 2,000 listed issuers and as of end of September 2022 with around 5.7 trillion EUR in market capitalization it has a strong blue-chip franchise and diverse domestic and international client base.

The Complainant is among others owner of the International Trademark Registration ("IR") No. 1506088 for the word mark EURONEXT, registered since May 22, 2019 for among others services of providing a market for the trading of securities, commodities, derivatives, foreign exchange, cryptocurrencies and other financial instruments. The IR among others designates Singapore, which appears to be the Respondent's location.

The disputed domain names were registered on December 8, 2023. The disputed domain name <euron-ext.com> redirected to the disputed domain name <euronextonline.com>, and resolved to an identically looking website that prominently displays the EURONEXT mark and offer cryptocurrency exchange services to Internet users who either create an account or log into their existing accounts.

#### **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 names.

Notably, the Complainant contends that:

- the disputed domain names contain the EURONEXT mark and are therefore confusingly similar to it;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- the Complainant's EURONEXT mark is well-known in the financial markets and the fact that the Respondent has been using the disputed domain names to offer identical or at least highly similar services to those of the Complainant indicates that it was aware of the Complainant and its mark and had obtained the disputed domain names to attract and mislead Internet users for commercial gain by intentionally infringing the Complainant's exclusive rights.

The Complainant requests that the disputed domain names be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

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

### 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 EURONEXT mark is reproduced with the insertion of the minus symbol (-) between the "euron and "ext" elements and is therefore recognizable within the disputed domain name. Accordingly, the disputed domain name <euron-ext.com> is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the term "online" in case of the disputed domain name <euronextonline.com> may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Accordingly, the disputed domain name <euronextonline.com> is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that 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 names. 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 names such as those enumerated in the Policy or otherwise.

As a matter of fact the Respondent is using the disputed domain names for its own website that prominently displays the EURONEXT mark and offer cryptocurrency exchange services to Internet users who either create an account or log into their accounts created. The Complainant has not authorized, licensed, or allowed the Respondent or any third party to use its EURONEXT mark through the disputed domain names or in any other way that would confer validity or legitimacy upon such usage.

Fundamentally, a respondent's use of a domain name is not considered "fair" if it falsely suggests affiliation with the trademark owner, with the correlation between the domain name and the complainant's mark being often central to this inquiry. [WIPO Overview 3.0](#), section 2.5.

With respect to the disputed domain name <euronextonline.com>, in the Panel's view such composition of the disputed domain name suggest affiliation or endorsement by the trademark owner, carry a high risk or implied affiliation and cannot constitute fair use. [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 the domain names in bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Complainant ranks among the biggest stock exchanges in the world. Its EURONEXT mark is inherently distinctive in the international finance sector and its priority predates the date of registration of the disputed domain names. A basic Internet search against the disputed domain names returns solely the Complainant and its business.

The disputed domain names incorporate the Complainant's mark and the Respondent chose to provide no explanation for having registered disputed domain names containing the Complainant's mark.

The above facts and circumstances coupled with the Respondent's use of the disputed domain names for content closely related to the business activities of the Complainant in view of the Panel strongly indicate that the Respondent had the Complainant and its business in mind when registered the disputed domain names.

As for the use of the disputed domain names as mentioned above, it is evidently directed at profiting from or exploiting the Complainant's mark by creating a likelihood of confusion with the Complainant and its EURONEXT mark, which constitutes bad faith under the Policy. Paragraph 4(b)(iv) of the Policy and [WIPO Overview 3.0](#), section 3.2.1.

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 <euron-ext.com> and <euronextonline.com> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: June 13, 2024