

## **ADMINISTRATIVE PANEL DECISION**

Euronext N.V. v. User has not completed their account details

Case No. D2024-2113

### **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 User has not completed their account details, United States of America ("US").

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

The disputed domain names <euronextfr.ai> and <euronextnv.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 May 21, 2024. On May 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 22, 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 May 28, 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 June 4, 2024.

The Center verified that the Complaint together with the amendment to the 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 June 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 28, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on July 2, 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 leading pan-European market infrastructure, connecting European economies to global capital markets. The Complainant operates regulated exchanges in Belgium, France, Ireland, Italy, the Netherlands, Norway and Portugal, has close to 2,000 listed issuers and around EUR 5.7 trillion in market capitalization as of the end of September 2022.

The Complainant traces its origins back to the world's first bourses, formed in the Low Countries' shifting trade centers starting 1285 and, in the present form, the Complainant was founded by the merger of the European Union ("EU") stock exchanges in the turn of the 21st century, following the introduction of the single currency and harmonization of financial markets.

The Complainant owns worldwide trademark registrations for EURONEXT, such as the following:

- the International trademark registration number 1506088 for EURONEXT (word), registered on May 22, 2019, for goods and services in International classes 9, 35, 36, 38, 41, and 42, and designating numerous jurisdictions worldwide including the US;
- the EU trademark registration number 013343629 for EURONEXT (word), filed on October 8, 2014, and registered on March 3, 2015, covering goods and services in International classes 9, 35, 36, 38, 41, and 42;
- the United States of America trademark registration number 2689802 for EURONEXT (word), filed on September 5, 2000, and registered on February 25, 2003, covering goods and services in International classes 41, 36, and 35.

The Complainant is the owner of the domain name <euronext.com>.

The disputed domain name <euronextnv.com> was registered on April 22, 2024. The registration date of the disputed domain name <euronextfr.ai> is not disclosed, but the Panel notes that the ".ai" Top-Level Domain ("TLD") was initially released in 2009 as a country code TLD for Anguilla.

At the time of filing the Complaint, both the disputed domain names redirected to websites displaying a banner stating "Welcome to Euronext" and providing a Log in window inviting the Internet visitors to create accounts, and without any disclaimer or information related to the holder of the disputed domain names.

#### **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 are identical or at least highly confusingly similar to its earlier trademark registration, incorporating EURONEXT mark and the descriptive non-distinctive elements: "nv" which is the abbreviation of the Dutch words for public limited company, Naamloze Vennootschap, in the disputed domain name <euronextnv.com>, respectively "fr", which is the abbreviation for France, in the disputed domain name <euronextfr.ai>; that the Respondent has no rights or legitimate interests in the disputed domain names; and that the Respondent registered the disputed domain names in bad faith, being well aware of the Complainant which is the Europe's largest bourse/stock exchange, well-known in the financial market; the Respondent is using the disputed domain names in bad

faith in connection with websites that display the Complainant's mark EURONEXT as well as its device mark, such as the EU registration no. 010891695 filed on May 17, 2012, and registered on November 5, 2012, and thus the Respondent, pretending to be the Complainant or a subsidiary of it, is intentionally attempting to attract and mislead the Internet users for its commercial gain by intentionally infringing the Complainant's exclusive rights; such actions of the Respondent are not only harmful to the reputation of the Complainant but also they most certainly harm consumers who will become victims of such fraudulent actions of the Respondent.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed 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 the disputed domain names; and
- (iii) the disputed 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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are both 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, "nv", respectively "fr", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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.

The disputed domain names incorporate the Complainant's distinctive trademark with non-distinctive terms, and the Respondent has used the disputed domain names in connection with websites claiming to be the Complainant, reproducing the Complainant's trademarks and inviting the Internet users to create accounts, and without providing any disclaimer or information regarding the holder of the disputed domain names. Furthermore, having in view the Complainant's area of activity, there is an appreciable risk that the disputed domain names could be used in connection with fraudulent financial activities. Panels have held that the use of a domain name for illegal activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the disputed domain names were registered in bad faith, with knowledge of the Complainant, its trademark and business particularly because they incorporate the Complainant's distinctive mark together with non-distinctive terms. The use of the disputed domain names further enhances such finding.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] 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 [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain names incorporate the Complainant's trademark with additional non-distinctive terms, and the websites operated under the disputed domain names display the Complainant's EURONEXT trademark as well as its device mark, claim to be the Complainant and/or an affiliate and have no disclaimer, indeed in this Panel's view, the Respondent has intended to attract Internet users accessing the websites corresponding to the disputed domain names who may be confused and believe that the websites are held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent's commercial gain.

Further, the Respondent failed to participate in this proceeding and to put forward any argument in its favor, and provided inaccurate/false contact details in the WhoIs underlying a privacy shield, merely to avoid being notified of a UDRP proceeding and or any other legal claims filed against it. This is a further indication of bad faith. [WIPO Overview 3.0](#), section 3.6.

The Panel finds the third element of the Policy has been 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 the disputed domain names, <euronextfr.ai> and <euronextnv.com>, be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: July 15, 2024