

ADMINISTRATIVE PANEL DECISION

Belfius Bank SA, Belfius Bank NV v. Elie Ahto, Kypsi
Case No. D2024-2114

1. The Parties

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

The Respondent is Elie Ahto, Kypsi, United States of America.

2. The Domain Name and Registrar

The disputed domain name <rebel-trading.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 22, 2024. On May 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 (“REDACTED FOR PRIVACY”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 30, 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 June 5, 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 June 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 28, 2024.

The Center appointed Miguel B. O’Farrell as the sole panelist in this matter on July 3, 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 well-known Belgian bank with 100% government shareholding that provides bank and financial services in Belgium and beyond, with over 5,000 employees and 650 agencies. The activities of the Complainant are focused on the Belgian territory. Nevertheless, the Complainant's trademarks are also shown outside Belgium as the Complainant sponsors several national sports teams and sports events.

The Complainant has developed for several years the investment platform and application named "RE=BEL" and is the owner of the Benelux and European Union word and figurative trademark registrations and applications for "RE=BEL", including the following:

Benelux Trademark Registration No. 1427730 RE=BEL (word mark), registered on February 2, 2021, in classes 36 and 38.

Benelux Trademark Registration No. 1442913 RE=BEL (figurative mark), registered on August 31, 2021, in classes 36 and 38.

The Complainant is also owner of several domain names including the trademark RE=BEL, such as: <re-bel.be>, <rebel.broker>, <rebel-be.com> and others.

The disputed domain name <rebel-trading.com> was registered on March 24, 2024, and at the time of drafting this decision resolves to a webpage with the following wording: "THE NEXT GENERATION TRADING PLATFORM. Rebel Trading is engineering AI-powered finance interfaces designed to give everyday traders a statistical edge. Enter your email to join the wait list for the beta release", with spaces to enter name, email address, and a "Send request" button.

On April 15, 2024, the Complainant sent a cease-and-desist letter requesting the transfer of the disputed domain name to the Complainant, which remained unanswered.

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 Respondent is in no way associated with the Complainant. The Complainant has not licensed, approved or in any way consented to the Respondent's registration and use of the trademark in the disputed domain name.

Moreover, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. In fact, 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 has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the omission in the disputed domain name of the "equal" sign in the trademark RE=BEL and the inclusion of the term "trading" in the disputed domain name do not prevent a finding of confusing similarity between the disputed domain name 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 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.

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.

The Panel is satisfied that the Respondent must have been aware of the Complainant's trademark RE=BEL when it registered the disputed domain name on March 24, 2024.

In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's RE=BEL trademark with the word "trading" which is related to the Complainant's field of activity strengthens the possible confusion of Internet consumers between the disputed domain name and the Complainant's trademark.

The Panel finds on the balance of probabilities that the Respondent, when registering the disputed domain name, has targeted the Complainant's business and its trademark RE=BEL with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark for its own monetary benefit.

While the disputed domain name is composed of two dictionary terms, the fact that there is an absence of rights or legitimate interests coupled with no explanation for the Respondent's choice of the disputed domain name are also significant factors to consider that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name resolves to a webpage that announces the "...engineering of AI-powered finance interfaces designed to give everyday traders a statistical edge", which is an activity related to the Complainant's activity, and therefore evidence of bad faith use of the disputed domain name.

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 <rebel-trading.com> be transferred to the Complainant.

/Miguel B. O'Farrell/

Miguel B. O'Farrell

Sole Panelist

Date: July 11, 2024