

DECISION OF THE THIRD-PARTY DECIDER

Yuri Moens / NVA Online Advertising

Case No. 444251 CEPANI: moens.be

1. Parties

1.1. Complainant: Mr. Yuri MOENS
Tuindijk 27,
2223 Schriek
Belgium

Self-represented

1.2. Domain name holder: NVA Online Advertising
Opper 14
5406 CA Uden
The Netherlands

Represented by:

Mr. Bart VAN BESIEN
Attorney at law
K. De Deckerstraat 20A
2800 Mechelen
Belgium

Also referred to as the “Respondent”

2. Domain Name

Domain Name: "moens.be"
Registered on: 20 June 2011

3. Procedural history

On 19 August 2025, the Complainant filed a Complaint with CEPANI requesting that the Domain Name be transferred.

On 9 September 2025, the Respondent filed a Response with CEPANI contesting the Complainant's arguments.

On 12 September 2025, CEPANI appointed Flip Petillion as Third-Party Decider.

The Third-Party Decider renders his decision based on the Complaint, the Response, Article 10 of the "Terms and conditions for .be domain name registrations" of DNS Belgium, entitled "Dispute resolution policy" (the "Policy"), and the Rules for Domain Name Dispute Resolution of CEPANI (the "Rules").

4. Elements of fact

The Complainant, Mr. Yuri Moens, is a Belgian individual.

The Respondent, NVA Online Advertising, is engaged in the business of domain investment and trading. The Respondent registered the Domain Name <moens.be> on 20 June 2011. The Domain Name resolves to a website offering the Domain Name for sale and for rent.

On 13 August 2025, the Complainant made an offer of 10 EUR to buy the Domain Name. The Respondent refused on the same day, and replied with an asking price of 995 EUR.

5. Parties' contentions

5.1. Complainant

In summary, the Complainant requests the transfer of the Domain Name. The Complainant argues that the Domain Name is identical to his last name. The Complainant further claims that the Respondent has no legitimate claim to the Domain Name. Finally, the Complainant argues that the Respondent registered the Domain Name with the sole purpose of selling it for profit.

5.2. Respondent

In summary, the Respondent claims that the Complainant did not make a *prima facie* case that the Respondent lacks rights or legitimate interests.

The Respondent claims resale of domain names is a legitimate business model, provided there is no bad faith targeting of a specific rights holder. The Respondent argues that the holding and offering of the Domain Name are therefore consistent with legitimate domain name investment practices. According to the Respondent, it has rights and legitimate interests in the Domain Name as it consists of a short, non-distinctive, five-letter string with potential use as an acronym or brand.

The Respondent further claims that the Complainant has neither asserted nor proven that the Domain Name was registered or is being used in bad faith. According to the Respondent, the mere coincidence that the Domain Name also corresponds to the Complainant's family name cannot, in itself, be imputed as bad faith to the Respondent.

The Respondent uses the Domain Name actively and in a legitimate manner. The website linked to the Domain Name clearly indicates that visitors can purchase the Domain Name and that they may submit an offer for it. The website does not contain any pay-per-click links and does not display any misleading content, nor any references to the Complainant. There is no attempt to trade on the Complainant's goodwill, reputation, or identity. The Respondent does not use the Domain Name to create confusion with the Complainant or to divert internet users from the Complainant's website to its own website. The Respondent registered the Domain Name 14 years ago, at a time when the Complainant does not appear to have conducted any business in Belgium.

When the Complainant approached the Respondent to acquire the Domain Name, the Respondent did not seek to take advantage of the fact that the Domain Name corresponded to the Complainant's family name, whether by raising the asking price or otherwise. According to the Respondent, selling a domain name for profit is not per se bad faith.

6. Discussion and findings

Article 16.1 of the Rules instructs the Third-Party Decider as to the principles the Third-Party Decider must use in determining the dispute: "*The Third-Party Decider shall rule on the Complaint with due regard for the views of the Parties and in accordance with the Policy of DNS Belgium, the Registration Agreement and these Rules.*"

By virtue of Article 10, b, 1 of the Policy, the Complainant must prove each of the following:

- the Respondent's Domain Name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the Complainant has rights; and
- the Respondent has no rights or legitimate interests in the Domain Name; and
- the Respondent's Domain Name has been registered or is being used in bad faith.

6.1. Identity or confusing similarity

The Complainant must prove that the Domain Name is identical or confusingly similar to a name or sign in which it has rights.

The rights to a sign that can be taken into consideration in the context of the present proceedings are listed, in a limitative way, in article 10(b)(1) of the Policy: a trademark, a trade name, a registered name or a company name, a geographical indication, a designation of origin, a designation of source, a personal name or name of a geographical entity.

The Complainant invokes rights in a personal name, namely his last name, as confirmed by the copy of his identity card.

It is undisputed that the Domain Name corresponds to the Complainant's personal name MOENS.

Additionally, it is well established that the domain name extension ".be" can be disregarded in determining identity or confusing similarity.

Therefore, the Third-Party Decider finds that the Domain Name is identical to the Complainant's personal name. It follows that the first element of the Policy has been met.

6.2. Rights or legitimate interests

Pursuant to Article 10, b, 1 of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name. It is established case law that it is sufficient for the Complainant to make it plausible that the Respondent has no rights or legitimate interests in the Domain Name to shift the burden of proof to the Respondent.

According to the Respondent, the Complainant did not make a *prima facie* case that the Respondent lacks rights or legitimate interests. While the Third-Party Decider agrees that the Complaint does not include extensive argumentation in that regard, the Third-Party Decider finds that the general circumstances of the case as presented

in the Complaint still make it plausible that the Respondent lacks rights or legitimate interests. The name of the Respondent and the nature and use of the Domain Name make it highly improbable that the Respondent would be commonly known by the Domain Name or that the Respondent would have acquired trademark or other relevant rights.

The burden of production therefore shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name.

The Respondent essentially claims that the resale of the domain names is a legitimate business model, and that it does not target the Complainant as the Domain Name consists of a short, non-distinctive, five-letter string with potential use as an acronym or brand. The Respondent admits that “Moens” is a family name in Belgium and the Netherlands but adds that *“as a short five-letter domain name, the principal meaning of the term ‘moens’ is as an acronym rather than as a family name”*.

The Third-Party Decider is not convinced by this argument. The Third-Party Decider observes that the Respondent does not provide any concrete example of use of the term “moens” as an acronym. Potential, invented examples are insufficient to claim that the principal meaning of this term would be as an acronym rather than as a family name.

Therefore, the Third-Party Decider finds that the Respondent cannot rely on section 2.1 WIPO Overview 3.0, which states that *“generally speaking, panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the UDRP”*.

As confirmed by CEPANI case law, the Third-Party Decider finds that the mere offering of a domain name for sale to any party does not constitute a right or legitimate interest in that name (see CEPANI Case No. 444115, 8 March 2021 (lietaert.be); CEPANI Case No. 44491, 26 March 2020 (cuyt.be)). For the sake of completeness, the Third-Party Decider adds that the Respondent’s reference to CEPANI Case No. 444229 is not relevant in this case. CEPANI Case No. 444229 related to a generic term (wijzer.be), which is not the case here.

Considering the fact that the Domain Name corresponds to a common family name in Belgium and The Netherlands, and the findings under the bad faith element below, the Third-Party Decider finds that the second element of the Policy has been met.

6.3. Registration or use in bad faith

The third element of Article 10, b, 1 of the Policy, requires that the Complainant proves that the Respondent registered or used the Domain Names in bad faith.

Bad faith must be proven but may also be derived from reasonable assumptions in certain circumstances.

Pursuant to of Article 10, b, 2 of the Policy, the evidence of such in bad faith registration or use of a domain name can inter alia be demonstrated by the following circumstances:

- circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark, trade name, registered name or company name, geographical indication, designation of origin, designation of source, personal name or name of the geographical entity, or to a competitor of the complainant, for a price that exceeds the costs that the registrant can show are directly related to the acquisition of the domain name; or (...)
- the registrant has registered one or more personal names without the existence of a demonstrable link between the registrant and the registered domain names.

The second circumstance is the most relevant in this case. Contrary to what the Respondent claims, this circumstance does not only concern situations where a domain name holder has specifically targeted the complainant. The Third-Party Decider also observes that this circumstance is specific to CEPANI proceedings. In the Third-Party Decider's view, UDRP case law is therefore not directly relevant to assess bad faith in this case.

It is undisputed that "moens" is a personal name. The Respondent does not provide credible evidence of the fact that this name could be viewed primarily as an acronym.

The Respondent does not demonstrate that there is any demonstrable link between itself and the Domain Name.

This alone is already sufficient to conclude that the Respondent registered or used the Domain Name in bad faith, and that the third condition of Article 10,b,1 of the Policy is therefore fulfilled (see CEPANI Case No. 44491, 26 March 2020 (cuyt.be)).

However, the Third-Party Decider finds that the first circumstance is also relevant, albeit as an additional indication of bad faith. In the Third-Party Decider's view, although the Respondent may not have targeted the Complainant specifically when registering the Domain Name, the Domain Name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the Domain Name to a third party, including someone having rights in personal name "Moens", for a price that exceeds the costs that the Respondent can show are directly related to the acquisition of the Domain Name.

The Respondent requested a price of 995 EUR, and did not provide any evidence of its costs directly related to the acquisition or maintenance of the Domain Name. The Third-Party Decider can therefore assume that this price exceeds the registration (and maintenance) costs of the Domain Name. Although the sole fact that a domain name holder offers a price higher than the registration costs does not, in itself, demonstrate that the domain name was registered in bad faith, the Third-Party Decider finds that it can be an indication of bad faith when combined with the other circumstances mentioned above (see CEPANI Case No. 444115, 8 March 2021 (lietaert.be)).

The Respondent argues that it was not aware of the Complainant's existence, not at the time of registration of the Domain Name and not during the 14 years thereafter. When a domain name contains a trademark, trade name or company name, it may indeed be relevant whether the domain name holder knew or could have known of the specific complainant's existence at the time of registration. It is inherent in trademarks, trade names and company names that they belong to a specific enterprise or a limited number of enterprises. Public registers also exist for registered trademarks and company names, which allow verification of whether a word is a trademark or company name. In such cases, the question arises whether the domain name holder had that specific enterprise or limited number of enterprises in mind when registering the domain name.

However, the situation is different with personal names such as family names. It is inherent in family names that they generally belong to a large number of persons. Every bearer of a given family name may assert rights in that family name.

In contrast to a domain name consisting of a trademark, trade name or company name, when it comes to a domain name consisting of a family name, it cannot reasonably be required—when assessing bad faith registration or use—that the domain name holder knew or could have known of the specific complainant bearing that family name. Otherwise, this would have the effect that the circumstance that “the domain name was registered or acquired primarily for the purpose of selling, renting or otherwise transferring it to the complainant who is the holder of the corresponding [...] personal name” could be invoked by a complainant only very rarely, if ever. It would have to concern a very personal dispute between the domain name holder and the complainant with a particular family name, whereas the intent of the Policy is to protect all holders of a given family name (see CEPANI Case No. 44491, 26 March 2020 (cuyt.be)).

In light of the above, the Third-Party Decider finds that the third element under Article 10, b, 1 of the Policy is also fulfilled.

7. Decision

Pursuant to Article 10, e, of the Policy, the Third-Party Decider grants the request of the Complainant that the Domain Name “**moens.be**” be transferred to the Complainant.

Brussels, 6 October 2025.



Flip Petillion
Third-Party Decider