

DALAW

Decision of the Third-Party Decider

1. Parties

Complainant:

Belfius Bank NV

Address: Karel Rogierplein 11, 1210 Sint-Joost-ten-Node, Belgium

Represented by: Ms. Constance Dumortier, Corporate Lawyer

Respondent:

Vautron Rechenzentrum AG

Address: Ritterstr. 11, 10969 Berlin, Germany

Contact Person: Mr. Thomas Soltau

2. Context

This decision is rendered under the CEPANI Rules for domain name dispute resolution and the dispute resolution policy of DNS.be, as incorporated in its General Terms and Conditions.

The Complainant, Belfius Bank NV, filed a complaint regarding several domain names registered by Vautron Rechenzentrum AG. The disputed domain names include:

- Rebel10broker.be
- Rebel10-broker.be
- Rebel10bank.be
- Rebel10-bank.be
- Rebel10trade.be
- Rebel10-trade.be
- Rebel10finance.be
- Rebel10-finance.be
- Rebell10.be

The Complainant argues that these domain names:

Belgique : 4 avenue du Congo - 1050 Brussels- T : +32 475 80 48 43
France : 2 Rue de Poissy - 75005 Paris - T : +33 (0)1 44 32 00 40

1. Are confusingly similar to its registered trademark “RE=BEL.”
2. Were registered without legitimate interest by the Respondent.
3. Were registered and are being held in bad faith by the Respondent.

The Complainant seeks the transfer of the disputed domain names to itself.

3. Analysis and Discussion

3.1. Similarity Between the Domain Names and the Registered Trademark

The Complainant is the holder of several registered trademarks for “RE=BEL” in the Benelux and European Union, covering financial services in Class 36. The disputed domain names incorporate the term “Rebel10,” which is visually and phonetically similar to the Complainant’s “RE=BEL” trademark.

The addition of descriptive terms such as “broker,” “bank,” “trade,” and “finance,” directly linked to financial services, further increases the likelihood of confusion among consumers, as these terms are closely associated with the Complainant’s area of expertise.

This similarity fulfills the first criterion of Article 10, b, 1, i) of the DNS.be General Terms and Conditions.

3.2. Lack of Legitimate Interest or Rights of the Respondent

The Respondent, Vautron Rechenzentrum AG, has not demonstrated any legitimate rights or interests in the disputed domain names. The domains are not connected to any bona fide offering of goods or services, nor is there evidence of preparations to use them for legitimate purposes.

Additionally, the EUIPO’s previous decision (opposition number B3166591) rejected the Respondent’s trademark application for “REBEL10” in Class 36, citing similarity with “RE=BEL” and a likelihood of confusion. This decision undermines the Respondent’s claim to any legitimate interest in the disputed domain names.

The second criterion of Article 10, b, 1 of the DNS.be General Terms and Conditions is therefore satisfied.

3.3. Evidence of Bad Faith in Registration and Use

The following elements demonstrate bad faith on the part of the Respondent:

1. **Knowledge of the Trademark:** The Complainant has an established online presence and multiple domain registrations incorporating “RE=BEL.” The Respondent either knew or should have known of the Complainant’s rights at the time of registering the disputed domains.
2. **Passive Holding of Domains:** The domains are inactive and do not resolve to any functional website, indicating an intent to block the Complainant’s use rather than legitimate use by the Respondent.

3. **Likelihood of Confusion for Commercial Gain:** The use of terms like “broker,” “bank,” and “finance” alongside “Rebel10” suggests an attempt to attract Internet users by creating a false association with the Complainant’s brand and services.

These elements meet the third criterion of Article 10, b, 1 of the DNS.be General Terms and Conditions.

4. Decision

Having reviewed the arguments and evidence presented, the Third-Party Decider concludes:

1. The disputed domain names are confusingly similar to the Complainant’s trademark “RE=BEL.”
2. The Respondent lacks any legitimate rights or interests in the domain names.
3. The domain names were registered and are being held in bad faith.

As a result, it is ordered that the following domain names be transferred to the Complainant, Belfius Bank NV:

- Rebel10broker.be
 - Rebel10-broker.be
 - Rebel10bank.be
 - Rebel10-bank.be
 - Rebel10trade.be
 - Rebel10-trade.be
 - Rebel10finance.be
 - Rebel10-finance.be
 - Rebell10.be
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Issued in Brussels on 4 December 2024.

The Third-Party Decider,

Thibault Verbiest

