

ADMINISTRATIVE PANEL DECISION

Aegon UK Plc v. Name Redacted
Case No. D2022-4821

1. The Parties

Complainant is Aegon UK Plc, United Kingdom, represented by Pinsent Masons LLP, United Kingdom.

Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <aegonglobalmarkets.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 December 15, 2022. On December 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 Respondent of the Complaint, and the proceedings commenced on December 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 10, 2023. Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent's default on January 11, 2023.

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the complete name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on January 20, 2023. 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

Complainant is a multinational financial services provider. It is the proprietor of several registrations for its AEGON mark, including the following:

- International Trademark No. 536748 for AEGON (device mark), registered on March 30, 1989 for services in classes 35 and 36 (designating, *inter alia*, Türkiye);
- United States Trademark No. 4327068 for AEGON (word mark), registered on April 30, 2013 for services in class 36, claiming a date of first use in 1983.

Complainant operates its business websites at the domain names <aegon.co.uk> and <aegon.com>.

The disputed domain name was registered on May 10, 2022. It resolves to a website featuring pay-per-click ("PPC") links.

5. Parties' Contentions

A. Complainant

Complainant's contentions may be summarized as follows:

Under the first element, Complainant states that it is a multi-national financial services provider offering life insurance, pension and asset management services to 31.7 million customers worldwide under the AEGON mark since 1983. In the United Kingdom, where Complainant has operated since 1831, it adopted the AEGON mark in 2009 and provides financial services to over 3.8 million individual customers. The disputed domain name reflects Complainant's mark in its entirety, together with words that are intended to imply a connection to Complainant.

Under the second element, Complainant states that it is not aware of Respondent using the disputed domain name in connection with the offering of goods or services prior to the registration date. Respondent has no rights to be known by the disputed domain name.

Under the third element, Complainant states that, given the widespread use and reputation of Complainant's mark, Respondent must have been aware that it was misappropriating Complainant's intellectual property rights in registering the disputed domain name, which is not being put to any legitimate use. Complainant states that it is reasonable to conclude that the disputed domain name has been registered in bad faith for illegitimate purposes in order to infringe Complainant's marks and to deceive consumers into believing that Respondent and Complainant are connected. The disputed domain name resolves to a parking page containing advertising links for searched related to the services offered by Complainant.

Complainant requests transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the AEGON mark through registrations in the United States and internationally. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1.

In comparing Complainant’s marks with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to this mark, as the AEGON mark is clearly recognizable within the disputed domain name. The Panel finds that the additional term “global markets” is a dictionary term that does not prevent a finding of confusing similarity. UDRP panels have consistently held that, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

It is the well-established view of UDRP panels that a generic Top-Level-Domain such as “.com” is viewed as a standard registration requirement and, as such, is typically disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following:

- (i) before any notice to it of the dispute, respondent’s use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel finds that there is no evidence that Respondent is commonly known by the disputed domain name nor is using the AEGON mark with the permission of Complainant. The nature of the disputed domain name, which reflects Complainant’s mark followed by the words “global markets”, cannot constitute fair use since it

effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent has not submitted any evidence or arguments demonstrating such rights or legitimate interests, nor has it rebutted any of Complainant's contentions. There is no evidence that Respondent is commonly known by the disputed domain name, nor that there are any circumstances or activities that would establish Respondent's rights or legitimate interests therein. Rather, the disputed domain name, which contains Complainant's mark in its entirety, resolves to a parking page featuring PPC links that are related to the services offered by Complainant, and therefore compete with or capitalize upon Complainant's goodwill and reputation. Such use cannot establish rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.9.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Pursuant to paragraph 4(b) of the Policy, the Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant's rights in its AEGON mark predate the registration of the disputed domain name by more than 30 years. The disputed domain name reflects Complainant's mark followed by the dictionary term "global markets" The disputed domain name is therefore confusingly similar to Complainant's marks and inherently misleading. The Panel finds that, by registering such a domain name, Respondent has attempted to create an association with Complainant's well-established mark.

UDRP panels have consistently held that the use of the disputed domain name to redirect to a PPC website such as the one used by Respondent is clear evidence of bad faith. The PPC links are related to Complainant's business and indicate Respondent is using the disputed domain name for commercial gain. See, for instance, *Shangri-La International Hotel Management Limited v. NetIncome Ventures Inc.*, WIPO Case No. [D2006-1315](#); *Villeroy & Boch AG v. Mario Pingerna*, WIPO Case No. [D2007-1912](#).

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) 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, <aegonglobalmarkets.com>, be transferred to Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: February 3, 2023