



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 5590C86C

Determination DEFAULT

I. PARTIES

Complainant(s): Exness Holdings Cy Limited, Cyprus
Complainant's authorized representative: Gabriela Freire, Cyprus

Respondent(s): Dynadot Privacy Service, United States

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name(s): exnes.cfd, exnes.design
Registry Operator(s): CentralNic Registry, GoDaddy Registry
Registrar: Dynadot

III. PROCEDURAL HISTORY

Complaint submitted: 28 January 2025
Lock of the domain name(s): 29 January 2025, 28 February 2025
Notice of Complaint: 28 February 2025
Default Date: 14 March 2025
Notice of Default: 15 March 2025
Panel Appointed: 15 March 2025
Default Determination issued: 17 March 2025

IV. EXAMINER

Examiner's Name: Jonathan Agmon

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant, Exness Holding Cy Limited, is the owner of the trademark EXNESS, an Cypriot financial broker. The Complainant states that it owns numerous trademark registrations for the EXNESS trademark.

The Complainant asserts the following against the Respondent:

1. The registered domain name is identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds a valid national or regional registration and that is in current use;
2. The Respondent has no legitimate right or interest to the domain name [URS 1.2.6.2]; and
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3] such as: b. Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct; and c. Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor.

B. Respondent:

The Respondent did not submit any response.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The Complainant owns the following trademark registration of the EXNESS trademark - US Trademark Registration No. 4953350 registered on May 10, 2016.

E. Reasoning:

1. The domain name(s) is(are) identical or confusingly similar to a word mark

The Complainant is the owner of the registered EXNESS mark. The disputed domains are <exnes.cfd> and <exnes.design>. The Examiner finds that the disputed domain names which comprises the word XNES in addition of the top-level domains “.cf” and “.design” do not avoid confusing similarity with the Complainant’s registered trademark.



The Examiner finds that the requirements set forth under Paragraph 1.2.6.1. of the URS Procedure have been satisfied.

2. Respondent has no rights or legitimate interests to the domain name(s)

The Complainant has not authorized Registrant to use its EXNESS mark. The Complainant also argued that the Respondent is not commonly known by the registered domain name. The Respondent did not file a Response to the Complaint to rebut Complainant's allegations.

The Examiner finds that the Respondent lacks any rights or legitimate interests with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.6.2. of the URS Procedure.

3. The domain name(s) was(were) registered and is(are) being used in bad faith

In relation to the disputed domain name <exnes.cfd> the Complainant provided evidence showing a screenshot of a webpage offering cryptocurrencies trading services. The colors used and logo used in the website under the disputed domain name <exnes.cfd> do not appear similar nor related to the those offered by the Complainant. The home page does not bear Complainant's EXNESS trademark or any other feature that the Complainant is using to promote its services.

Given the limited scope of evidence presented, the Examiner is not convinced that the website page under the <exnes.cfd> is sufficient to show that the Respondent was targeting the Complainant and its trademark.

Complainant also alleged that the Respondent was somehow connected with another domain name <exnes.vip> but only provided a webpage under this domain name which fails to explain how this domain name shows that the disputed domain name <exnes.cfd> was registered and is being used in bad faith.

No website evidence was provided in relation to the disputed domain name <exnes.design>.

URS paragraph 8.5 provides that it "... is not intended for use in any proceedings with open questions of fact, but only *clear cases of trademark abuse*." (emphasis added) Prior URS cases have stated that "the URS process is a narrow one with a very high burden of proof and is "without prejudice to the Complainant... proceed[ing] with an action in [a] court of competent jurisdiction or under the UDRP," URS, para. 8.5, where the record may be more fully developed and the factual and legal arguments not constrained by, among other things, the 500-word limit for URS complaints." See *Banco Bilbao Vizcaya Argentaria, S.A. v. Gandi York SL et al.*, FA1403001548656 (28 March 2014).

Accordingly, having considered the evidence submitted by the Complainant, it is the Examiner's conclusion that the Complainant failed to show that the Complainant has complied with URS 1.2.6.3(c).

The Examiner finds that the requirements set forth under Paragraph 1.2.6.3. of the URS Procedure have not been satisfied by the Complainant.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Not demonstrated

B. Complaint and remedy

Complaint: Rejects

Domain Name: exnes.cfd, exnes.design

Unlocks and returns to the full control of the Registrant

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Jonathan

Surname: Agmon

Date: 17 March 2025