

**DISPUTE RESOLUTION SERVICE****D00023062****Decision of Independent Expert**

Bloomberg Three L.P

and

Connor Stanley

**1. The Parties:**

Lead Complainant: Bloomberg Three L.P.  
731 Lexington Avenue  
New York  
New York  
United States

Respondent: Connor Stanley  
London  
United Kingdom

**2. The Domain Name:**

<bloombergtrading.co.uk>

**3. Procedural History:**

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

02 October 2020 18:31 Dispute received  
05 October 2020 11:01 Complaint validated  
05 October 2020 11:14 Notification of complaint sent to parties  
22 October 2020 02:30 Response reminder sent  
27 October 2020 11:35 No Response Received  
27 October 2020 11:35 Notification of no response sent to parties  
06 November 2020 01:30 Summary/full fee reminder sent

11 November 2020 17:26 Expert decision payment received.

#### **4. Factual Background**

The Complainant and its affiliated companies operate a financial and business data, software and media business under the name and trade mark BLOOMBERG. The business was founded in 1981. Its Bloomberg Terminal service provides real-time data to more than 300,000 users worldwide. The Complainant also provides news and information through Bloomberg Television, Bloomberg Radio and the website "www.bloomberg.com". An authorised affiliate of the Complainant is Bloomberg Trading Facility BV, based in the Netherlands. The Complainant announced that this affiliate had been approved by the Netherlands Authority for Financial Services in January 2019.

The Domain Name <bloombergtrading.co.uk> was registered on April 23, 2020. It resolves to a website promoting a variety of financial services under the names BLOOMBERG and BLOOMBERG TRADING.

#### **5. Parties' Contentions**

##### Complainant

As a result of extensive use, the BLOOMBERG trade mark is recognised by the relevant public as indicating the services of the Complainant and its affiliated companies. Registration of the Domain Name took unfair advantage of or was unfairly detrimental to, the Complainant's rights at the time of registration and the Domain Name is being used in a manner which takes unfair advantage of and is unfairly detrimental to the Complainant's rights. As such the registration is abusive.

##### Respondent

The Respondent did not respond to the Complaint.

#### **6. Discussions and Findings**

To succeed under the Policy, the Complainant must prove on the balance of probabilities both that it has Rights in respect of a name or mark that is identical or similar to the Domain Name and that the Domain Name is an Abusive Registration in the hands of the Respondent.

##### *Identity/similarity*

Complainant, Bloomberg Three L.P., exhibits, as examples of its and its affiliates' brands, copies of the registration certificates of UK trademark No. 2,070,017 BLOOMBERG, registered on February 7, 1997 in the name of Bloomberg Finance Three L.P. and two European trademarks registered in the name of Bloomberg Finance L.P., namely BLOOMBERG, No. 4,718,383, registered on January 3, 2008 and BLOOMBERG.COM, No. 2,888,824, registered on March 31, 2004. The registration

certificates show Bloomberg Finance Three L.P. and Bloomberg Finance L.P. as having the same address as the Complainant.

In the absence of any argument to the contrary by the Respondent, the Expert infers that, on the balance of probabilities, the registrants of these trademarks are affiliates of the Complainant and that such affiliation is sufficient to give the Complainant rights in the BLOOMBERG and BLOOMBERG.COM marks. In any event, the Complainant has rights in the name BLOOMBERG by virtue of its inclusion in the Complainant's corporate name.

The Domain Name <bloombergtrading.co.uk> is similar to the name and trademark BLOOMBERG, since it wholly incorporates that name and mark, together with the dictionary word "trading", which does nothing to distinguish the Domain Name from the BLOOMBERG name and mark, and the inconsequential country code suffixes ".co.uk", which may be ignored.

### *Abusive registration*

Abusive Registration is defined in the Policy, paragraph 1 as a domain name which either:

- (i) was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or
- (ii) is being or has been used in a manner which took unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

Paragraph 5.1 of the Policy provides a non-exhaustive list of factors which may be evidence that a domain name is an Abusive Registration including:

"5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant".

The Complainant says the various financial services offered through the website to which the Domain Name resolves are identical or substantially similar to the services offered by the Complainant under its BLOOMBERG brand. They all concern finance and are aimed at the same consumers, so there is a significant likelihood of confusion on the part of the public. The Complainant provides evidence that there have already been instances of consumers having completed transactions with <bloombergtrading.co.uk> whilst under the impression that they were dealing with the Complainant or an associate of the Complainant.

The Expert is satisfied, on the evidence provided by the Complainant and not denied by the Respondent, that the Respondent registered the Domain Name with the well-

known BLOOMBERG name and mark in mind and is using it fraudulently to masquerade as one of the Complainant's associated companies, such as Bloomberg Trading Facility BV, in order to obtain commercial advantage.

The Expert therefore finds that the Respondent is using the Domain Name in a way which has confused people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant. Hence the Expert finds the Domain Name, in the hands of the Respondent, to be an Abusive Registration in the circumstances set out in the Policy, paragraph 5.1.2.

The Complainant has established both elements under the Policy.

## **7. Decision**

For the reasons set out above, I determine that the Domain Name <bloombergtrading.co.uk> be transferred to the Complainant.

**Signed: Alan Limbury**

**Dated: November 17, 2020**