

ADMINISTRATIVE PANEL DECISION

Singular Bank, S.A.U. v. Jerome Jerome Deniger
Case No. D2022-3012

1. The Parties

Complainant is Singular Bank, S.A.U., Spain, represented by Ubilibet, S.L., Spain.

Respondent is Jerome Jerome Deniger, France.

2. The Domain Names and Registrar

The disputed domain names <interface-self-fr.com> and <self-fr.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 16, 2022, including the disputed domain names and two additional domain names. On August 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 17, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on August 19, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. On August 24, 2022, Complainant filed an amended Complaint and a request to withdraw two domain names with different underlying registrant details from the Complaint. The partial withdrawal was duly notified on August 30, 2022.

The Center verified that the Complaint together with the amended 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 August 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 19, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 21, 2022.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on September 28, 2022. 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 the owner of the online banking service SELF BANK. Initially, prior to 2000, the SELF BANK online banking service was owned by Self Trade Bank, S.A.U. Through a series of ownership transfers during the past 20 years, Complainant became the owner of the SELF BANK trademark and operates online banking services under that mark. Complainant's SELF BANK banking services focus on the marketing of products for day-to-day management of current accounts, savings products (deposits and accounts), and the management of investment products. Complainant offers investment funds and pension plans, as well as shares, ETFs, CFDs, and currencies. It also offers accounts that allow investors to leverage. Complainant operates as a Spanish bank, supervised by the Bank of Spain. Complainant is the beneficiary of numerous industry awards, including for "best customer service for an online bank" (Sotto Tempo Advertising), "Best online bank in Spain" (Capital Finance International), and "best customer service in the online channel" (AEERC).

Complainant owns numerous trademark registrations for SELF BANK, including the following:

Mark	Spanish Registration No.	Registration Date
SELF BANK	M2812978	July 29, 2008
SELF BANK BY SINGULAR BANK	M4050565	September 4, 2020
SELF BANK BY SINGULAR BANK	M4050560	July 22, 2020
TENTUPLICA SELF TRADE BANK	M3513254	October 14, 2014
CREDIVENTA SELF TRADE BANK	M2672114	June 28, 2006

The disputed domain names <self-fr.com> and <interface-self-fr.com> were registered on November 24, 2021.

The screenshots of the disputed domain name <interface-self-fr.com> resolved to a form requesting personal data and displaying the trademark SELF BANK BY SINGULAR BANK. The disputed domain name <self-fr.com> was used to send emails impersonating Complainant, including by using Complainant's trademark in the signature of the email.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain names are confusingly similar with Complainant's SELF BANK trademarks, that Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names have been registered and used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests with respect to the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to 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 demonstrated that it has rights in the SELF BANK trademarks in connection with banking services, and related services. The disputed domain names incorporate the dominant “SELF” portion of Complainant’s marks in its entirety, with the addition of terms such as “interface” and the country designation “fr”, designating France. Since at least a dominant feature of the Complainant’s trademark is recognizable within the disputed domain names, addition of other terms do not prevent a finding of confusing similarity. Moreover, the broader case context, notably the use of the disputed domain names for a fraudulent login form and phishing email communications, both making clear use of Complainant’s marks, further affirms a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), sections 1.7 and 1.8.

Accordingly, the Panel finds that the disputed domain names are confusingly similar to Complainant’s trademarks.

B. Rights or Legitimate Interests

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. At no time has Complainant licensed or otherwise endorsed, sponsored or authorized Respondent to use Complainant’s marks or to register the disputed domain names. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the disputed domain names. There is no evidence that Respondent has been commonly known by the disputed domain names or that it has any rights that might predate Complainant’s adoption and use of its marks.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the disputed domain names. Respondent has not used the disputed domain names in connection with the *bona fide* offering of goods or services.

Instead, the record indicates that Respondent was well aware of Complainant’s marks and used the disputed domain name <self-fr.com> to send phishing emails to customers of Complainant. The disputed domain name <interface-self-fr.com> resolved to a website with a form requesting personal data and displaying Complainant’s SELF BANK trademark, thus deliberately luring Internet users and Complainant’s customers into providing personal information. The disputed domain name <self-fr.com> did not resolve to an active website, but had several mail configurations through which phishing attacks were committed. Specifically, Complainant submitted examples of emails that were offering investment products impersonating an employee of Complainant. In addition, the Autorité de Contrôle Prudential et de Résolution from Bank of France informed Bank of Spain of a possible fraud in connection with the SELF BANK name through the disputed domain name <self-fr.com> and through the form contained at the disputed domain name <interface-self-fr.com>. The use of a domain name for such illegal activity can never confer rights or

legitimate interests on a respondent.

The record indicates that Respondent knowingly adopted Complainant's marks in the disputed domain names in an effort to create the false impression that Respondent is associated with Complainant and is an authorized representative of Complainant to defraud unsuspecting consumers into providing their financial information, or providing payment, to Respondent for Respondent's personal profit and gain.

The Panel finds that Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The record indicates that the disputed domain names are being used in connection with a fraudulent scam designed to lure Internet users into believing that they are being contacted by Complainant in order to defraud consumers into providing personal and financial information.

The record indicates that Respondent had actual knowledge of Complainant's rights in its marks prior to registering the disputed domain name and that Respondent registered and used the disputed domain name in connection with a fraudulent scam for Respondent's commercial gain by intentionally creating a likelihood of confusion with Complainant's marks.

Accordingly, the Panel finds that Respondent has registered and used the disputed domain names in bad faith.

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 names, <interface-self-fr.com> and <self-fr.com>, be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: October 12, 2022