

ADMINISTRATIVE PANEL DECISION

Natixis v. Duke Maine
Case No. D2023-3838

1. The Parties

The Complainant is Natixis, France, represented by MIIP MADE IN IP, France.

The Respondent is Duke Maine, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <internatixs.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 14, 2023. On September 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 15, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 19, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on September 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 16, 2023. On October 20, 2023, the Respondent sent informal communications to the Center.

On September 22, 2023, a third party sent an email to the Center claiming its contact details have been used for the registration of the Disputed Domain Name without its knowledge.

The Center appointed Mariia Koval as the sole panelist in this matter on October 19, 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

The Complainant, founded in 2006, is a French multinational financial services firm specialized in asset and wealth management, corporate and investment banking, insurance and payments. With more than 16.000 employees in 36 countries, the Complainant is a part of BPCE Group, second-largest French banking player. The Complainant ranks first bookrunner for syndicated real-estate finance loans in the EMEA region in 2017, according to Dealogic (EMEA Real Estate Loans Report, Full-year 2017). The Complainant was named as a leader in equity research in France in 2017 and at the first place in impact management. The French Association of Financial Management also awarded the Complainant as number one account keeper for employee savings, in 2015 and according to Thomson Reuters Global Project Finance Review, the Complainant was number one bookrunner for project finance.

The Complainant is the owner of numerous NATIXIS trademark registrations (the “NATIXIS Trademark”) around the world, among which are:

- French Trademark Registration No. 3416315, registered on August 18, 2006, in respect of goods and services in classes 9, 16, 35, 36, 38;
- European Union Trademark Registration No. 005129176, registered on June 21, 2007, in respect of goods and services in classes 9, 16, 35, 36, 38;
- International Trademark Registration No. 1071008, registered on April 21, 2010, in respect of goods and services in classes 9, 16, 35, 36, 38.

The Complainant has built up a considerable online presence and operates domain names <natixis.com>, <natixis.fr> and <natixis.xyz> for sale and promotion of its services. The Complainant also established a social media presence and uses the NATIXIS Trademark to promote its goods and services on social media platforms such as Facebook, Instagram, X and YouTube.

The Disputed Domain Name was registered on August 12, 2023. As at the date of this Decision, the Disputed Domain Name resolves to an inactive webpage with indication “this account has been suspended”. However, according to the evidence presented by the Complainant (Annex 9 to the Complaint), at the date the Complaint was filed the Disputed Domain Name resolved to a website containing wide range of banking services under the name of “Internatixs Bank” providing actual contact information of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it widely uses its NATIXIS Trademark in connection with banking and financial services. The Complainant’s reputed services proposed under the NATIXIS Trademark are well-known in France, European Union and internationally.

The Complainant claims that the Disputed Domain Name is confusingly similar to the Complainant's NATIXIS Trademark. The Disputed Domain Name reproduces a large part of the NATIXIS Trademark: the Disputed Domain Name and the NATIXIS Trademark have 6 identical letters placed in the same order and at the same rank that creates a high visual similarity. The omission of the sixth letter "I" of the Complainant's NATIXIS Trademark is a typical case of deliberate misspelling of a mark (typosquatting). The omission of the letter "I" does not change the overall impression produced by the Disputed Domain Name and does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's NATIXIS Trademark. Moreover, the word "inter" is a general term which can refer to the word "international" which is very common in the field of investment banks.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent does not own any trademark rights with respect to "internatixs". Google search made on "inter natixs" does not lead to pertinent results apart from results related to the Complainant. There is no business or legal relationship between the Complainant and the Respondent. The Complainant has neither authorized nor licensed the Respondent to use its NATIXIS Trademark in any way.

The Complainant further asserts that the Respondent is not commonly known as "internatixs". The Respondent does not engage in any legitimate noncommercial or fair use of the Disputed Domain Name, nor any use in connection with *bona fide* offering goods and services. Indeed, the Disputed Domain Name was used for fraudulent banking services using the real name of the Complainant. The Respondent has indicated as contact details the email address of the Complainant without misspelling. Furthermore, the Disputed Domain Name pointed to a banking page service which play with the misspellings and the real contact information from the Complainant to confuse the Internet users.

The Complainant claims that the Respondent has registered and is using the Disputed Domain Name in bad faith. The Disputed Domain Name is registered with the aim of taking advantage of the reputation of the Complainant's well-known NATIXIS Trademark. In particular, it should be noted that the NATIXIS Trademark is well-known in France and in several other countries.

The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's NATIXIS Trademark. The Disputed Domain Name comprising a significant part of the NATIXIS Trademark is confusingly similar to the widely known Complainant's NATIXIS Trademark. In addition, the Complainant suspects that the Respondent is intentionally attempting to take advantage of the Complainant's NATIXIS Trademark in order to generate profits, notably by causing a confusion for the final Internet user. Indeed, the Disputed Domain Name was used for the same activity as the Complainant's, namely, pointed to a bank services website.

The Complainant notes that there is a high risk that the Disputed domain Name could have been used for phishing and scams. The email addresses and the phone number indicated on the header of the home page of the website under the Disputed Domain Name and those of the section "Help & Support" are not the same. They all belong to different holders and are not always genuine. Bearing in mind the close resemblance of the Disputed Domain Name to the Complainant's NATIXIS Trademark, and the identical activity, it is likely that the Internet users could mistakenly think that the Disputed Domain Name had come from the Complainant. This could be very detrimental to the Complainant and its clients. Indeed, the activity of the Complainant is sensitive as it involves high amounts, and the consequences of phishing campaigns and scams might be very harmful. The Complainant legitimately suspects that the Respondent was intentionally attempting to take advantage of the NATIXIS Trademark in order to try to generate profits with email services attached to the Disputed Domain Name which reproduces the Complainant's NATIXIS Trademark.

B. Respondent

The Respondent did not submit a formal Response to the Complainant's contentions but did provide informal email communications asking what he needs to do to resolve the issue regarding the proceedings. The emails did not address the elements of the Policy.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

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

A. Identical or Confusingly Similar

The Complainant has properly confirmed its rights in the NATIXIS Trademark due to the long use and number of registrations worldwide.

The Disputed Domain Name reproduces the NATIXIS Trademark in its entirety with omission of the second letter “i”, as well as contains the term “inter” and the generic Top-Level Domain (“gTLD”) “.com”. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8, 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. Moreover, the Disputed Domain Name appears to be a typical example of typosquatting, *i.e.*, a misspelling of the Complainant’s NATIXIS Trademark. According to the [WIPO Overview 3.0](#), section 1.9, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. The Panel finds that omission of one letter “i” and presence of the term “inter” in the Disputed Domain Name does not prevent the Disputed Domain Name from being confusingly similar to the Complainant’s NATIXIS Trademark.

The gTLD “.com” is usually disregarded under the confusing similarity test as a standard registration requirement. See the [WIPO Overview 3.0](#), section 1.11.1.

In light of the above, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s NATIXIS Trademark, and that the Complainant has established the first condition of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

In the Panel’s opinion, the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent did not respond to the Complaint, and did not participate in this proceeding, respectively, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

There is no evidence that the Complainant has licensed or otherwise permitted the Respondent to use its NATIXIS Trademark or to register the Disputed Domain Name which is confusingly similar to the NATIXIS Trademark. The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the NATIXIS Trademark of the Complainant.

The Respondent registered the Disputed Domain Name more than 16 years after the NATIXIS Trademark had been registered. There is no evidence that the Respondent owns any “Natixs” trademark, nor that it is commonly known by the Disputed Domain Name. Moreover, the Respondent has failed to come forward with any evidence to rebut such *prima facie* case.

Further, the Panel also accepts that the use of the Disputed Domain Name does not constitute a legitimate noncommercial or fair use. Based on the evidence provided by the Complainant (Annex 9 to the Complaint), the Disputed Domain Name previously resolved to the website with information in respect of different banking services. At the same time the website under the Disputed Domain Name contained the contact details which are actually the contact details of the Complainant. It should be noted that, having used the misspelling of the Complainant's NATIXIS Trademark in the Disputed Domain Name, the Respondent did not misspell the email addresses on his website. Panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See the [WIPO Overview 3.0](#), section 2.13.1.

Also, given the typosquatting nature of the Disputed Domain Name, the construction of the Disputed Domain Name is likely to mislead or cause confusion, which was likely the main intent of the Respondent when registering the Disputed Domain Name, which cannot amount to fair use nor confer rights or legitimate interests upon the Respondent.

The addition of the term "inter", that relates to "international", which is related to the Complainant's manner of business, to a typosquatted version of the Complainant's NATIXIS Trademark in the Disputed Domain Name, is further evidence, that the Respondent was very well aware of the Complainant's NATIXIS Trademark and business at the time of registration of the Disputed Domain Name and has done so for the only purpose of creating confusion for Internet users seeking or expecting the Complainant.

In view of the foregoing, the Panel finds that the Respondent lacks rights or legitimate interests in the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy indicates some circumstances, without limitation, that if found by the panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [respondent has] registered or [respondent has] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [respondent's] documented out-of-pocket costs directly related to the domain name; or
- (ii) [respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [respondent has] engaged in a pattern of such conduct; or
- (iii) [respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or of a product or service on [respondent's] website or location.

The Panel comes to the conclusion that the Disputed Domain Name was registered and is being used in bad faith in view of the following.

The NATIXIS Trademark has been in use more than 16 years before the Disputed Domain Name was registered and that the Complainant has actively promoted its Trademark all these years. It has been proved to the Panel that the Complainant's NATIXIS Trademark is well-known in France and all around the world, and the Panel considers that the Respondent could not reasonably ignore the Complainant's NATIXIS Trademark and activities at the time of the registration of the Disputed Domain Name. Therefore, the Panel is of opinion that the Respondent was well aware of the Complainant's NATIXIS Trademark when it registered the Disputed Domain Name and obviously chose to register the Disputed Domain Name with the only intention to benefit from the Complainant's reputation.

Previous UDRP panels have regularly ruled that bad faith was found where a domain name is so obviously connected with a well-known trademark that its use by someone, with no connection to the trademark, suggests opportunistic bad faith. See *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#) and *Carrefour v. Jean-Claude Bot / Albert Pierre*, WIPO Case No. [D2017-0969](#).

Moreover, the Disputed Domain Name, incorporating the Complainant's NATIXIS Trademark in its entirety with intentional omission of the second letter "i", is clearly deceptive for Internet users. This, together with the way of use of the Disputed Domain Name, also indicates that the Respondent was well aware of the Complainant's NATIXIS Trademark when registering the Disputed Domain Name.

The Disputed Domain Name previously resolved to the website with information in respect of different banking services with indication of the complainant's contact details that cannot be considered to be undertaken in good faith. Given the use of the Disputed Domain Name, the Respondent obviously chose to register the Disputed Domain Name, which is a misspelling of the Complainant's NATIXIS Trademark, for the only purpose of misleading unsuspecting Internet users by creating a likelihood of confusion with the Complainant's NATIXIS Trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's emails.

In accordance with section 3.6 of the [WIPO Overview 3.0](#), there are recognized legitimate uses of privacy and proxy registration services; the circumstances in which such services are used, including whether a respondent is operating a commercial and trademark-abusive website, can however impact a UDRP panel's assessment of bad faith. The Panel considers that, taking into account all circumstances of this case, the Respondent's use of privacy service and false contact details constitutes further evidence of bad faith.

In view of the absence of any evidence to the contrary, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name 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 Name, <internatixs.com>, be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: November 2, 2023