

## **ADMINISTRATIVE PANEL DECISION**

Caisse Nationale D'allocations Familiales (CNAF) v. Rosane Keine  
Case No. D2023-4379

### **1. The Parties**

The Complainant is Caisse Nationale D'allocations Familiales (CNAF), France, represented by Clairmont Novus Avocats, France.

The Respondent is Rosane Keine, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <caf-allocations-familiales.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 23, 2023. On October 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 25, 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 (UNKNOWN – redacted for privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 25, 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 October 27, 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 October 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 21, 2023.

The Center appointed Mihaela Maravela as the sole panelist in this matter on November 24, 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**

According to information in the Complaint, the Complainant is the French national public authority in charge of family allocations in France (a branch part of the “Sécurité Sociale”), in existence as of 1945. The family branch of social security is organized in a network of 101 departmental “Caisse Nationale D’allocations Familiales (CAF)” covering the entire French territory.

The Complainant is the owner of various registered trademarks that consist of or include CAF or ALLOCATIONS FAMILIALES, including the French trademark no. 1718238 for CAF (word) registered on October 26, 1989, covering goods and services in classes 9, 38 and 42, or the French trademark no. 99782908 for ALLOCATIONS FAMILIALES C.A.F. (semi-figurative) registered on March 25, 1999, covering services in classes 35, 36 and 38. The Complainant has registered the domain name <caf.fr> since April 2, 1998, which it uses in connection to its official website.

The disputed domain name was registered on June 3, 2023, and previously resolved to a website that reproduced the content of the Complainant’s official webpage and displaying the Complainant’s trademark and logo, inviting Internet users to include personal data (name, birth date, telephone number). The Complainant has sent a cease-and desist letter to the Registrar, the hosting provider and the Respondent on October 10, 2023, but no response was received. At the date of the Decision, the disputed domain name resolves to a webpage with a warning message of a deceptive website ahead.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is a combination of the term “CAF” (which is an abbreviation for Caisse Nationale D’allocations Familiales) and the words “allocations familiales”. The disputed domain name incorporates the Complainant’s trademarks identically without any additional and distinctive word. The Complainant also argues that the disputed domain name creates an evident high risk of confusion because the Complainant is a well-known French public authority.

As regards the second element, the Complainant argues that the Complainant has not authorized nor licensed the Respondent or anyone else to use the Complainant’s trademarks in relation to any services in connection with the disputed domain name.

With respect to the third element, the Complainant argues that it is highly likely that the Respondent knew of the existence of the Complainant’s prior intellectual property rights and its trademark CAF at the time the disputed domain name was registered because the Complainant was founded in 1945, it is a very well-known French public authority (in France, more than 11 million households claim family benefits), its domain name <caf.fr> has been registered since 1998, which is used to provide information about its services, and it is the registered owner of CAF trademarks since 1989. As regards the use, the Complainant contends that the use of the disputed domain name to redirect to a slavish reproduction of the Complainant’s website results in significant business disruption and a high risk of misuse and abuse of user data. It appears that the Respondent’s website is a fraudulent website put online for financial fraud or misappropriation of personal data.

## B. Respondent

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 has been registered and is being used in bad faith.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, as indicated in Section 4 above. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the CAF mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. While the addition of other terms here, “allocations”, “familiales” and hyphens may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The disputed domain name is also confusingly similar to the Complainant’s ALLOCATIONS FAMILIALES C.A.F. trademark.

Based on the available record, the Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In the present case, the Complainant has established a *prima facie* case that it holds rights over the trademarks CAF as well as ALLOCATIONS FAMILIALES C.A.F. and claims that the Respondent has no legitimate reason to acquire and use the disputed domain name. There is no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Rather, according to the un rebutted evidence put forward by the Complainant, the Respondent apparently used the disputed domain name in an attempt to impersonate the Complainant to obtain personal data from Internet users. The use of a domain name for illegal activity, such as phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Furthermore, the nature of the disputed domain name carries a risk of implied affiliation and cannot constitute a fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#). The Respondent failed to rebut the *prima facie* case made by the Complainant because the Respondent did not respond to the Complainant's contentions.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but 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.

The Complainant's registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain name. The disputed domain name resolved to a website reproducing the Complainant's trademark and logo and impersonating the Complainant and its official website in what appears an attempt to obtain personal data from Internet users. Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks, and to target those trademarks.

The use of the terms "allocations", "familiales" reinforces the impression that the disputed domain name is connected or endorsed by the Complainant's given that those terms relate to the Complainant's area of activity and are also included in its trade name and trademarks. The disputed domain name resolved to a website reproducing the Complainant's trademark and logo and impersonating the Complainant and its official website. The Panel finds that the Respondent's use of the disputed domain name to impersonate the Complainant, as described above, amounts to use in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence as to the contrary.

The fact that the disputed domain name no longer resolves to an active website does not affect the Panel's findings regarding the Respondent's bad faith use of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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 <caf-allocations-familiales.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date : December 1, 2023