

## **ADMINISTRATIVE PANEL DECISION**

Oney Bank v. Carolina Rodrigues, Fundacion Comercio Electronico  
Case No. DCO2023-0094

### **1. The Parties**

The Complainant is Oney Bank, France, represented by SafeBrands, France.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

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

The disputed domain name <oneyservices.co> 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 November 8, 2023. On November 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 November 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 4, 2023.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 8, 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 is a company registered in France. It is a provider of consumer credit, electronic payment and card management services.

The Complainant is the owner of various trademark registrations for the mark ONEY, including International trademark registration number 865742 for the word mark ONEY, registered on August 11, 2005 in International Classes 9, 36 and 38.

The Complainant operates a website at “www.oney.com”, having registered the domain name <oney.com> on October 12, 2003.

The disputed domain name was registered on May 26, 2023.

The Complainant provides evidence that the disputed domain name has resolved to a variety of websites, including sites containing advertising links and “parking pages”, having no apparent connection with the mark ONEY.

#### **5. Parties’ Contentions**

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

The Complainant submits that it has operated under the name Oney Bank since 1983 and is a leading financial business in the European Union with a portfolio of over 10 million customers.

The Complainant submits that the disputed domain name is confusingly similar to its ONEY trademark, by combining that trademark with the descriptive term “services”.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its ONEY trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent has no legitimate connection with its ONEY trademark, which constitutes an invented and fanciful name. It submits that the Respondent registered and is using the disputed domain name only to take advantage of the Complainant’s goodwill in its ONEY trademark, misleadingly to divert Internet users to other websites.

The Complainant further submits that the Respondent has commonly registered domain names in which it has no rights or legitimate interests in order to benefit from third-party trademarks. It produces a list of over 70 prior proceedings under the UDRP in which decisions have been made against the Respondent.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

#### **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Complainant has established that it is the owner of registered trademark rights in the mark ONEY. The disputed domain name wholly incorporates that trademark, together with the term “services”, which does not prevent the trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

#### **B. Rights or Legitimate Interests**

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Panel finds that the Respondent has used the disputed domain name unfairly to target the Complainant’s ONEY trademark, which use cannot give rise to rights or legitimate interests on the Respondent’s part.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Panel finds the Complainant’s ONEY trademark to be distinctive and to have enjoyed a reputation in commerce for many years prior to the registration of the disputed domain name. The Respondent has provided no explanation for its registration and use of the disputed domain name, and there is nothing in the evidence of such use to suggest any legitimate purpose on the Respondent’s part. The Panel infers in the circumstances that the Respondent registered the disputed domain name with the Complainant’s trademark in mind and with the intention of diverting Internet users looking for the Complainant’s services to third-party websites from which it obtains a financial benefit.

The Panel therefore finds that, by using the disputed domain name, 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 trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel further accepts the Complainant’s evidence that the Respondent has engaged in a pattern of bad-faith registrations of domain names corresponding to third-party trademarks. Such finding bolsters the impression of bad faith in the present proceeding.

The Panel finds in the circumstances that the disputed domain name has been registered and is being used 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, <oneyservices.co>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: December 21, 2023