

## **ADMINISTRATIVE PANEL DECISION**

Confédération Nationale du Crédit Mutuel v. Dansou Kossi Delali Serge  
Damien

Case No. D2022-0607

### **1. The Parties**

The Complainant is Confédération Nationale du Crédit Mutuel, France, represented by MEYER & Partenaires, France.

The Respondent is Dansou Kossi Delali Serge Damien, Benin.

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

The disputed domain name <servicemutuelcredit.com> (the “Domain Name”) is registered with IONOS SE (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 22, 2022. On February 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 23, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 2022, 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 February 24, 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 the Respondent of the Complaint, and the proceedings commenced on February 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Commencement of the Panel Appointment Process on March 21, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 23, 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**

The Complainant is the political and central body for the French banking and insurance services group Crédit Mutuel, which has provided its services to 12 million clients for more than a century via its network of 3,178 offices in France.

The Complainant owns many trade mark registrations for its CRÉDIT MUTUEL mark in numerous jurisdictions, including European Union Registration No. 18130616 CRÉDIT MUTUEL in classes 7, 9, 16, 35, 36, 38, 41 and 45 with a registration date of September 2, 2020. The Complainant owns several domain names containing the trade mark CREDIT MUTUEL, in particular, <creditmutuel.com> and <creditmutuel.fr> associated with its official websites. The Complainant's CRÉDIT MUTUEL mark has been recognised as well-known in numerous prior UDRP cases.

The Domain Name was registered on January 24, 2022 and the Complainant presented evidence of the Domain Name resolving to a website of, ostensibly, an organisation called SERVICE MUTUEL CRÉDIT based in Belgium offering financial services that compete with the Complainant, specifically loan services.

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

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

The Complainant contends that the Domain Name is confusingly similar to its CRÉDIT MUTUEL mark, that the Respondent has no rights or legitimate interests in it, and the Domain Name was registered and used in bad faith given that the Complainant's mark is well-known and the use of the Domain Name for competing services indicates an intention to rely on confusion with the Complainant for commercial gain.

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

The Respondent did not reply to the Complainant's contentions. Prior to being formally notified of the Complaint by the Center, the Respondent sent the Center a brief, informal email not addressing the Complainant's contentions, in which the Respondent merely pointed out that the Domain Name was available for registration when the Respondent registered it.

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

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

Where the mark is recognisable within the disputed domain name, the addition of other terms (including descriptive terms as in this case) does not prevent a finding of confusing similarity (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.8). Neither the inversion of "mutuel" and "credit" (*Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Mark Bolet*, WIPO Case No. [D2006-1245](#)) nor the omission of the acute accent on the letter "e" (*Société des Produits Nestlé S.A. v. Sonia de Ferrero*, WIPO Case No. [D2016-1300](#)) renders the mark unrecognisable in the Domain Name. The Complainant has satisfied paragraph 4(a)(i) of the Policy.

## B. Rights or Legitimate Interests

The Complainant's un rebutted evidence establishes that its CRÉDIT MUTUEL mark was registered and well-known long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's mark and the Complainant has certified that the Domain Name is unauthorised by it.

The evidence discussed below in relation to bad faith strongly indicates that the Respondent's intention was to capitalise on confusion with the Complainant for its own gain. This cannot represent a *bona fide* offering conferring rights or legitimate interests to the Respondent for purposes of paragraph 4(c)(i) of the Policy. There is no evidence that any of the other circumstances set out in paragraph 4(c) of the Policy pertain.

The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an un rebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

## C. Registered and Used in Bad Faith

UDRP panels have consistently found that the registration of a domain name that is confusingly similar to a well-known trade mark, particularly those incorporating the mark plus a descriptive term as in this case, can by itself create a presumption of bad faith ([WIPO Overview 3.0](#) at sections 3.1.4 and 3.2.1).

The following factors indicate that the Respondent either knew or should have known that the Domain Name was confusingly similar to the Complainant's mark, in line with the [WIPO Overview 3.0](#) at section 3.2.2:

- a) The Complainant's mark is highly specific to the Complainant. Google searches for it as well as for "service mutuel crédit" reveal results that almost exclusively relate to the Complainant;
- b) The Respondent is ostensibly involved in the same industry as the Complainant, and the website to which the Domain Name resolves to is based in Belgium (a close neighbour of the Complainant's home territory France) where the Complainant also has business interests (per the Panel's independent research);
- c) The Respondent is based in Benin, an ex-colony of France where French is the official language, suggesting a greater familiarity with French industry; and
- d) The inclusion of the descriptive term "service" suggests that the Domain Name offers the Complainant's services ([WIPO Overview 3.0](#) at section 3.2.1).

The Panel's Google searches for "service mutuel crédit" reveal no indication that the supposed financial services organisation exists at all. Likewise with searches for the stated physical address of the organisation and on directories of Belgian financial services. This suggests that the organisation is a sham, and that the website and Domain Name are calculated to achieve some benefit for the Respondent capitalising on confusion with the Complainant in terms of paragraph 4(b)(iv) of the Policy. Certainly, if the Respondent's business was what it purports to be the Respondent would have responded to the Complaint. The risk of phishing is also heightened given the presence of active MX records enabling use for email (*Statoil ASA v. Registration Private, Domains By Proxy, LLC / Eldar Saetre*, WIPO Case No. [D2018-0563](#)).

The Panel draws adverse inferences from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3), and the provision of false Whois details; the Center's courier could not deliver hardcopies of the Complaint to the Respondent's physical address ([WIPO Overview 3.0](#) at section 3.2.1).

The Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## 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 Domain Name, <servicemutuelcredit.com>, be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: April 5, 2022