

ADMINISTRATIVE PANEL DECISION

BNP Paribas v. Milen Radumilo

Case No. D2022-3503

1. The Parties

The Complainant is BNP Paribas, France, represented by Nameshield, France.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <hello-bank.info> is registered with Communigal Communications Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 21, 2022. On September 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 29, 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 September 29, 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 September 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 21, 2022.

The Center appointed Miguel B. O’Farrell as the sole panelist in this matter on October 31, 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, BNP Paribas, is an international banking group with presence and operations in many countries, and one of the largest banks in the world. The Complainant claims to have nearly 190,000 employees and EUR 46.2 billion in revenue.

The Complainant is the owner of numerous registrations for the trademark HELLO BANK, including the following:

European Union Trade Mark Registration No. 014266779 HELLO BANK, registered on February 18, 2017;

International Trademark Registration No. 1157012 HELLO BANK, registered on February 27, 2013;

International Trademark Registration No. 1151363 HELLO BANK! (device), registered on December 13, 2012.

The Complainant owns a portfolio of domain names which include the trademark HELLO BANK, such as <helloworld.com> registered on December 7, 2005.

The disputed domain name <hello-bank.info> was registered on September 17, 2022, and resolves to a parking page with commercial links.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain name is identical and confusingly similar to the trademark HELLO BANK in which the Complainant has rights, and that the Respondent has no rights or legitimate interests in the disputed domain name, which was registered and is being used in bad faith.

More specifically, the Complainant claims that HELLO BANK! is the online bank of the Complainant.

The Respondent is not known as the disputed domain name and has not acquired trademark rights therein.

The Respondent is not related in any way to the Complainant's business nor authorized by the Complainant to use the trademark HELLO BANK.

The disputed domain name resolves to a parking page and the Respondent attempts to attract Internet users for commercial gain to its own website by using the Complainant's trademark which is evidence of bad faith.

Finally, the Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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

As set forth in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) the standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name to determine whether the disputed domain name is confusingly similar with the trademark. The test involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Panel considers that the disputed domain name is confusingly similar to the Complainant’s HELLO BANK trademark.

The disputed domain name incorporates the Complainant’s trademark HELLO BANK in its entirety with the inclusion of a hyphen between the words “hello” and “bank”, which is certainly not sufficient to prevent a finding of confusing similarity.

The Top-Level Domain (“TLD”) “.info” is viewed as a standard registration requirement and is generally disregarded under the first element confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark HELLO BANK in which the Complainant has rights and that the requirements of paragraph 4(a)(i) of the Policy are fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the panel, shall demonstrate that the respondent has rights to or legitimate interests in a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

- before any notice to the respondent of the dispute, the respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- the respondent (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if the respondent has acquired no trademark or service mark rights; or
- the respondent is 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 trademark or service mark at issue.

The Complainant has proved that they are the owners of the HELLO BANK mark. There is no indication that they have licensed or otherwise permitted the Respondent to use their trademark, nor have they permitted the Respondent to apply for or use any domain name incorporating their mark.

There is no evidence in the present case that the Respondent has been commonly known by the disputed domain name, enabling it to establish rights or legitimate interests therein. The name of the Respondent does not resemble the disputed domain name in any manner.

Furthermore, there is no evidence submitted that indicates any of the circumstances mentioned in paragraph 4(c) of the Policy, nor any other element to prove that the Respondent has legitimate interests or that it has established rights in the disputed domain name.

As established in section 2.5 of [WIPO Overview 3.0](#): “Fundamentally, a respondent’s use of a domain name will not be considered ‘fair’ if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry”. In this case, the Panel considers that the disputed domain name carries a risk of implied affiliation with the Complainant and the Complainant’s HELLO BANK mark.

The Panel finds that the Complainant has made out a *prima facie* case, which shifts the burden of production to the Respondent. The Respondent has not responded and the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the disputed domain name.

In the circumstances, the use of the disputed domain name to host a parked page with commercial links does not represent a *bona fide* offering under paragraph 4(c) of the Policy (see section 2.9 of [WIPO Overview 3.0](#)).

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been fulfilled.

C. Registered or Used in Bad Faith

The Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant’s trademark HELLO BANK mentioned in paragraph 4 above (Factual Background) when it registered the disputed domain name on September 17, 2022.

In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant’s HELLO BANK trademark in the disputed domain name creates a presumption of bad faith.

The Complainant has submitted evidence to support that the trademark HELLO BANK mentioned in paragraph 4 above is widely known and was registered and used many years before the Respondent registered the disputed domain name.

The Respondent, when registering the disputed domain name, has targeted the Complainant’s trademark HELLO BANK and simply introduced a hyphen between the words “hello” and “bank” to confuse Internet users and lead them to believe that the website to which the disputed domain name resolves is the official website of the Complainant, and thereby capitalize on the fame of the Complainant’s trademark for a monetary benefit.

The clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of [WIPO Overview 3.0](#)).

Therefore, the Panel finds that the Respondent has registered and uses the disputed domain name intentionally to attempt to attract for commercial gain, Internet users to a website displaying PPC links by creating a likelihood of confusion with the Complainant’s long before registered and widely used HELLO BANK trademark as to the source, sponsorship, affiliation, or endorsement. This amounts to bad faith under paragraph 4(b)(iv) 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 disputed domain name <hello-bank.info> be transferred to the Complainant.

/Miguel B. O'Farrell/

Miguel B. O'Farrell

Sole Panelist

Date: November 10, 2022