

ADMINISTRATIVE PANEL DECISION

Credit Industriel et Commercial S.A. v. LEFEBVRE MAXIME
Case No. D2022-3567

1. The Parties

The Complainant is Credit Industriel et Commercial S.A., France, represented by MEYER & Partenaires, France.

The Respondent is LEFEBVRE MAXIME, France.

2. The Domain Name and Registrar

The disputed domain name <mabanquecic.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2022. On September 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 27, 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 (Contact Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 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 October 5, 2022.

On September 30, 2022, the Center notified the Parties in both English and French that the language of the registration agreement for the disputed domain name is French. On October 3, 2022, the Complainant requested for English to be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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, in English and French, and the proceedings commenced on October 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 1, 2022.

The Center appointed Elise Dufour as the sole panelist in this matter on November 9, 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 Credit Industriel et Commercial, in abbreviated form CIC, a French deposit bank set up in 1859 by an imperial decree signed by Napoleon III. The company was nationalized in 1982 and re-privatized in 1997. The Complainant is currently a part of one of the main European banking groups, "Crédit Mutuel Alliance Fédérale".

The Complainant has currently more than 4.7 million clients, among them almost 770,000 professionals and businesses. More than 2,000 agencies are located in France and 38 abroad. The Complainant has set up and activated a website located at "www.cic.fr", through which its clients can be informed about the services offered by the group and also have online access to their bank accounts for managing them thanks to a specific secured interface.

The Complainant is owner of a large number of trademarks consisting of or including the sign "CIC" in France and abroad, *inter alia*:

- C.I.C. French trademark No. 1358524 registered on June 10, 1986;
- CIC European Union ("EU") trademark No. 005891411 registered on May 10, 2007;
- CIC and design EU trademark No. 011355328 registered on November 19, 2012;
- CIC BANQUES and design International trademark No. 585099 registered on April 10, 1992;
- CIC BANQUES and design French trademark No. 1691423 registered on September 5, 1991;
- CIC BANQUES International trademark No. 585098 registered on April 10, 1992;
- CIC BANQUES French trademark No. 1682713 registered on July 24, 1991.

The Complainant and its affiliates use these trademarks as domain names to promote its activities, *inter alia*:

- <cic.fr> registered on May 27, 1999;
- <cic.eu> registered on March 6, 2006;
- <cicbanque.info> registered on November 21, 2007;
- <cicbanques.com> registered on April 5, 2006;
- <cicbanques.org> registered on November 21, 2007;
- <cicbanques.net> registered on November 21, 2007;
- <cicbank.com> registered on January 30, 2004.

The disputed domain name was registered on September 11, 2022. The disputed domain name previously resolved to a website where an alleged CIC's client space identification was activated "Espace client connexion".

At the time of the decision, it does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is confusingly similar to the Complainant's trademarks; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

(i) The Complainant claims that the disputed domain name is confusingly similar to its well-known trademarks and domain names. Indeed, the disputed domain name incorporates entirely the Complainant's trademarks CIC and CIC BANQUES, without "s" in the end. In addition, the addition of the words "ma" and "banque", cannot serve as a distinguishing feature, inasmuch such terms ("my" and "bank" in English) do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

(ii) The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name: the Respondent is neither related to, nor has it been licensed or permitted to use the Complainant's trademarks. The Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name as it is inactive after being blocked; this site being considered as misleading.

(iii) Due to the strong reputation and the well-known character of its trademarks CIC and CIC BANQUES, the Complainant considers that the Respondent could not have ignored the existence of the Complainant's trademark at the time the disputed domain name was registered. In addition, for the Complainant, the passive holding of the disputed domain name by the Respondent constitutes bad faith. Indeed, the disputed domain name is currently inactive after being blocked; this site being considered as misleading. Such warning undoubtedly demonstrates bad faith use since that this warning notice must have been set after abuse reports. Finally, the Complainant claims that the Respondent is undoubtedly not making any good faith use of the disputed domain name and that there is a strong suspicion of the Respondent using or intending to use the disputed domain name in a phishing scam.

B. Respondent

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

6. Discussion and Findings

6.1. Language of Proceedings

The language of the Registration Agreement for the disputed domain name is French.

Paragraph 11(a) of the Rules provides that "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding".

The Panel may also order that any documents submitted in a language other than that of the proceeding be translated.

As noted by previous UDRP panels, paragraph 11 of the Rules must be applied in accordance with the overriding requirements of paragraphs 10(b) and 10(c) of the Rules that the parties are treated equally, that each party is given a fair opportunity to present its case, and that the proceeding takes place with due expedition.

The Complainant has submitted a request that the language of the proceedings be English.

The Complainant contends that:

- English language is proposed on the Registrar's website, "www.domains.google/intl/en_uk/",
- The Registrar Google LLC is located in the United States of America,
- The Registration Agreement is available in English,
- English is a common language in international business,
- No material element does ensure that the Respondent has no knowledge of English,
- At last, the translation of the Complaint into French would cause undue delays to the Complainant with respect to a decision in this case.

The Panel accepts that substantial additional expense and delay would likely be incurred if the Complaint had to be translated into French. Moreover, the Panel notes that the Respondent did not comment on the language of the proceedings.

Thus, taking these circumstances into account, the Panel finds that it is appropriate to exercise its discretion and allow the proceedings to be conducted in English.

6.2. Discussion and Findings

In the absence of any response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

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.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that disputed domain name is confusingly similar to the Complainant's registered distinctive trademarks CIC since it entirely contains the trademark CIC with the additional words "ma" and "banque" as prefix.

The disputed domain name is confusingly similar also to the Complainant's trademark CIC BANQUES since it incorporates CIC BANQUES nearly entirely only without "s" in the end, and with the prefix "ma" and the word "banque" before CIC instead of after.

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name, the disputed domain name will normally be considered confusingly similar to the Complainant's trademark (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

Such happens to be the case here. The addition of the words "ma" and "banque", ("my" and "bank" in English) does not prevent a finding of confusing similarity.

Finally, it has also long been held that a generic Top-Level Domain ("gTLD") is viewed as a standard

registration requirement and as such is disregarded under the confusing similarity test, as it does in the present case.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The burden of proof is on the Complainant to demonstrate a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. Once the Complainant has made out a *prima facie* case, the burden of production then shifts to the Respondent, which has then to demonstrate rights or legitimate interests in the disputed domain name.

On the basis of the submitted evidence, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name: the Respondent is not commonly known under the disputed domain name, nor owns any registered rights on the disputed domain name or has been authorized by the Complainant to use the prior trademarks in any way.

The inactive holding of the disputed domain name in these circumstances is not a legitimate noncommercial or fair use within paragraph 4(c)(iii) of the Policy. There is no contrary evidence from the Respondent showing that it is making use of or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services within paragraph 4(c)(i) of the Policy.

Moreover, the Complainant has adduced evidence to show that the disputed domain name has been deactivated after being blocked probably because of its misleading character and/or because of abuse reports.

Given such evidence and the absence of contrary evidence from the Respondent, the Panel considers that it is not possible for the Respondent to establish that it has rights or legitimate interests in the disputed domain name.

The Panel therefore finds, noting the Complainant's *prima facie* arguments and the absence of a response, that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given the strong reputation of the Complainant's CIC and CIC BANQUES trademarks, the Panel considers that the Respondent knew or should have known of said trademarks at the time of the registration of the disputed domain name. Noting the circumstances of the case, such knowledge is sufficient to establish that the disputed domain name was registered in bad faith.

Regarding the previous use of the disputed domain name (resolving to a website where an alleged CIC's client space identification was activated), it is well established that bad faith is established if 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 mark as to the source, sponsorship, affiliations, or endorsement of its website or location or of a product or service on its website or location.

As submitted by the Complainant, here the fake client space was used for fraudulent purposes and probably for phishing scams. See section 3.4 of the [WIPO Overview 3.0](#).

With respect to the current use of the disputed domain name, the passive holding of the domain name does not prevent a finding of bad faith. See section 3.3 of the [WIPO Overview 3.0](#).

In these circumstances the Panel finds that the disputed domain name was registered and being used in bad faith within 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 disputed domain name, <mabanqueic.com>, be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: November 24, 2022