

ADMINISTRATIVE PANEL DECISION

Natixis v. Milen Radumilo

Case No. D2022-3597

1. The Parties

The Complainant is Natixis, France, represented by Inlex IP Expertise, France.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <natixs.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 28, 2022. On September 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 7, 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 October 10, 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 13, 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 October 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2022.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on November 10, 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 a French multinational financial services firm specialized in asset & wealth management, corporate & investment banking, insurance and payments. It is part of the Groupe BPCE, which is one of the largest French corporations in the banking sector. The Complainant has over 16,000 employees in 36 countries, and has won various international awards for its services in the financial services industry.

The Complainant owns numerous registered trademarks for the mark NATIXIS, including European Union Trademark Registration No. 5129176, NATIXIS, word, registered on June 21, 2007, in classes 9, 16, 35, 36, and 38; and International Trademark Registration No. 1071008, NATIXIS, figurative, registered on April 21, 2010, in classes 9, 16, 35, 36, and 38, (collectively the “NATIXIS mark”).

Prior decisions under the Policy have recognized the international reputation of the NATIXIS mark.¹

The Complainant further owns various domain names comprising the NATIXIS mark, including <natixis.com> (registered on February 3, 2005), <natixis.fr> (registered on October 20, 2006) and <natixis.info> (registered on March 12, 2006), which resolve to the Complainant’s corporate website.

The disputed domain name was registered on September 17, 2022, and it resolves to a parked page displaying various promotional links to third parties’ sites or Pay-Per-Click links (“PPC”) related to different sectors (sports, the automobile industry, etc.), as well as an invitation to “Buy this domain” including a link to a the GoDaddy’s platform.

5. Parties’ Contentions

A. Complainant

Key contentions of the Complaint may be summarized as follows:

The disputed domain name is highly similar to the NATIXIS mark, which does not have any meaning and is therefore highly distinctive. The deletion of the sixth letter “i” of the Complainant’s trademark is a typical case of deliberate misspelling of a mark or typosquatting, which does not change the overall impression produced by the disputed domain name and does not prevent a finding of confusing similarity, and the generic Top-Level Domain (“gTLD”) “.info” must be disregarded. When searching for the term “natixs”, the Internet browser Google automatically suggests amending the search and/or discloses results for the NATIXIS mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not own any trademark rights including the term “natixs”, it is not commonly known as “natixs” or “natixis”, there is no business or legal relationship between the Parties and the Respondent is not authorized to use the NATIXIS mark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with *bona fide* offering goods and services. The disputed domain name points to a parking page displaying PPC links. Given the reputation of the NATIXIS mark, it would be difficult to imagine any legitimate use of the disputed domain

¹ See, among others, *Natixis v. Jacky LORENZ*, WIPO Case No. [D2021-1541](#); *Natixis v. Contact Privacy Inc. Customer 0162569438 /Name Redacted*, WIPO Case No. [D2021-3147](#); *Natixis v. WhoisGuard Protected, WhoisGuard, Inc. / Adam Price, PLUS500AU PTY. LTD*, WIPO Case No. [D2019-3209](#); and *NATIXIS v. WhoisGuard Protected, WhoisGuard, Inc. / Jacques Ralph*, WIPO Case No. [D2019-0048](#).

name that would not misleadingly divert consumers into thinking that the Respondent is connected to, sponsored by or affiliated with the Complainant and its business or that the Respondent's activities are approved or endorsed by the Complainant.

The disputed domain name was registered and is being used in bad faith. The NATIXIS mark is well-known in France and internationally. The disputed domain name was registered with the aim of taking advantage of this reputation for a commercial purpose, in order to mislead and divert the Complainant's consumers into a parking page displaying PPC links, for which the Respondent purportedly earns money. The Respondent has engaged in a pattern of cybersquatting. The Respondent's email address is associated with 137,446 domain names, and the Respondent has been involved in other prior cases under the Policy, where the transfer of the disputed domain name has been ordered and bad faith being found, including a case where the Respondent targeted the NATIXIS mark (namely *Natixis v. Milen Radumilo*, WIPO Case No. [D2016-2277](#)). The Complainant provides a list of more than 100 prior UDRP cases where the same Respondent was involved. The disputed domain name has "MX records" activated, so there is a high risk that it may be used for phishing and scams. Given the field of activity of the Complainant in the banking and financial services industries, the fraudulent collection of personal data through a phishing campaign may be very detrimental to the Complainant's clients. It is therefore in the public interest to transfer the domain name to the Complainant.

The Complainant has cited previous decisions under the Policy that it considers supportive of its position, and requests the transfer of the disputed domain name

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

A. Identical or Confusingly Similar

In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered identical or confusingly similar to that mark for purposes of the Policy. In such cases, a domain name consisting of a common, obvious, or intentional misspelling of a trademark, containing sufficiently recognizable aspects of that mark, is considered confusingly similar to the relevant mark for the purposes of the first element, and employing a misspelling in this way normally signals an intention to confuse users seeking or expecting the complainant. See sections 1.7 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Furthermore, the applicable generic Top-Level Domain ("gTLD") in a domain name is considered a standard technical registration requirement and, as such, it is generally disregarded under the first element confusing similarity test. See section 1.11, [WIPO Overview 3.0](#).

The Complainant indisputably has rights in the registered trademark NATIXIS. The disputed domain name incorporates the NATIXIS mark almost in its entirety removing its second letter "i", which may be considered a common misspelling that easily may go unnoticed, and do not avoid the direct perception of this mark. The NATIXIS mark is recognizable in the disputed domain name, and the gTLD ".info" is a technical requirement, generally disregarded for the purpose of the analysis of the confusing similarity.

Accordingly, this Panel finds that the disputed domain name is confusingly similar to the Complainant's mark, and the first element of the Policy under paragraph 4(a)(i) has been satisfied.

B. Rights or Legitimate Interests

Although the complainant bears the ultimate burden of establishing all three elements of paragraph 4(a) of the Policy, UDRP panels have recognized that this could result in the often impossible task of "proving a negative", requiring information that is primarily if not exclusively within the respondent's knowledge. Thus, the consensus view is that paragraph 4(c) of the Policy shifts to the respondent the burden of production to come forward with relevant evidence of rights or legitimate interests in the disputed domain name, once the complainant has made a *prima facie* case that the respondent lacks rights or legitimate interests. See section 2.1 of [WIPO Overview 3.0](#).

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of [WIPO Overview 3.0](#).

The Complainant's assertions and evidence outlined above effectively shift the burden to the Respondent of producing evidence of rights or legitimate interests in the disputed domain name, providing the circumstances of paragraph 4(c) of the Policy, without limitation, that may establish rights or legitimate interests in the disputed domain name in order to rebut the Complainant's *prima facie* case.

The Respondent, however, has not replied to the Complainant's contentions, not providing any explanation or evidence of rights or legitimate interests in the disputed domain name.

The disputed domain name incorporates the Complainant's trademark almost in its entirety with a sole common misspelling (removing its second letter "i" of this mark). The Panel considers that this common misspelling points to an intention to confuse Internet users seeking for or expecting the Complainant.

The Panel further considers that the Complainant has made out a strong *prima facie* case that the Respondent could not have rights or legitimate interests in respect of the disputed domain name, not being authorized to use the NATIXIS mark, and not existing any evidence that suggests that the Respondent may be commonly known by the disputed domain name. In this respect, the Panel notes that the term "natixis" is a coined term with no understandable meaning, and the Respondent's name provided in the Registrar verification has no resemblance with the disputed domain name. The Panel has further corroborated that, according to the evidence provided by the Complainant, the Respondent does not own any trademark registration including or consisting of the terms "natixis" or "natixs".

The Panel has further corroborated that, according to the evidence provided by the Complainant, the disputed domain name resolves to a parked website displaying various PPCs as well as an offer for the sale of the disputed domain name including a link to the GoDaddy platform. The Panel does not consider this use a *bona fide* offering, as it capitalizes on the reputation and goodwill of the Complainant's mark and may mislead Internet users. See section 2.9, [WIPO Overview 3.0](#).

It is further remarkable the Respondent has deliberately chosen not to reply to the Complaint, not providing any explanation connected to any of the circumstances included in paragraph 4(c) of the Policy or any other circumstance that may be considered as a right or legitimate interest in the disputed domain name.

All the above-mentioned circumstances lead the Panel to conclude that the Respondent has not rebutted the Complainant's *prima facie* case, and all the cumulative facts and circumstances indicate the Respondent lacks any rights or legitimate interests in the disputed domain name. Therefore, the second element of the Policy under paragraph 4(a)(ii) has been established.

C. Registered and Used in Bad Faith

The Policy, paragraph 4(a)(iii), requires that the Complainant establish that the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof is, likewise, the “balance of probabilities” or “preponderance of the evidence”, being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2, [WIPO Overview 3.0](#).

The Panel notes the continuous and extensive use of the NATIXIS mark and its presence over the Internet, as well as its international reputation recognized by previous decisions under the Policy.²

The Panel further considers that all cumulative circumstances of this case point to bad faith registration and use of the disputed domain name:

- (i) the disputed domain name incorporates the NATIXIS mark almost in its entirety with a sole common misspelling (removing its second letter “i” of this mark), which generates a likelihood of confusion;
- (ii) the Complainant’s trademark is well-known worldwide and the Complainant operates internationally, including in the European Union;
- (iii) the parked website linked to the disputed domain name displays various PPCs links to third parties’ websites in different sectors, as well as an offer for the acquisition of the disputed domain name including a link to the GoDaddy platform for its acquisition; and
- (iv) the Respondent has not offered an acceptable explanation of any rights or legitimate interests in the disputed domain name and has not come forward to deny the Complainant’s assertions of bad faith.

It is further to be noted that, according to the Complainant’s allegations, the Respondent has been involved in numerous prior cases under the Policy, in which bad faith has been found, including a prior case where the Respondent targeted the NATIXIS mark (*Natixis v. Milen Radumilo, supra*). In the Panel’s view, these circumstances constitute a pattern of bad faith conduct or abuse in targeting third parties’ trademarks, and, particularly, the NATIXIS mark. See section 3.1.2 of [WIPO Overview 3.0](#).

Therefore, on the balance of probabilities, taking into consideration all cumulative circumstances of this case, the Panel considers that the disputed domain name was registered targeting the NATIXIS mark in bad faith. The evidence and circumstances of this case show that, in balance of probabilities, the disputed domain name was registered and is being used with the intention of obtaining a free ride on the Complainant’s established reputation, to increase the traffic of a parked page linked to the disputed domain name by misleading Internet users seeking for the Complainant and its services, which constitutes bad faith under the Policy.

The Panel further notes that, according to the Complainant’s allegations, the disputed domain name may be used for phishing activities or scams. The banking and financial services industries are sectors where these frauds are common and, according to the evidence provided by the Complainant, the disputed domain name has Mail Exchange (“MX”) records activated.

All of the above-mentioned circumstances leads the Panel to conclude that the disputed domain name was registered and is being used in bad faith. Accordingly, the Panel considers that the Complainant has met its burden of establishing that the Respondent registered and is using the disputed domain name in bad faith under the third element of the Policy.

² See footnote number 1, *supra*.

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, <natixs.info> be transferred to the Complainant.

/Reyes Campello Estebanz/

Reyes Campello Estebanz

Sole Panelist

Date: November 21, 2022