

ADMINISTRATIVE PANEL DECISION

Natixis v. Ye Li

Case No. DNL2022-0013

1. The Parties

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

Respondent is Ye Li, of China.

2. The Domain Name and Registrar

The disputed domain name <natexis.nl> is registered with SIDN through Domain Robot.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 9, 2022. On March 9, 2022, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name. On March 10, 2022, SIDN 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 Complainant on March 11, 2022, providing the information disclosed by SIDN, and inviting Complainant to submit an amended Complaint in this light. Complainant filed an amended Complaint on March 14, 2022.

The Center verified that the Complaint together with the Amended Complaint satisfied the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on March 14, 2022. In accordance with the Regulations, article 7.1, the due date for Response was April 3, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 4, 2022.

The Center appointed Richard C.K. van Oerle as the panelist in this matter on April 13, 2022. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

Complainant is a multinational financial services firm specializing in asset and wealth management, corporate and investment banking, insurance, and payments. It is part of the Groupe BPCE which, according to the Complainant, is the second largest banking group in France.

According to the evidence submitted by Complainant, Complainant holds the following European Union Trademarks:

- European Union word mark No. 005129176, NATIXIS, which was filed on June 12, 2006, and registered on June 21, 2007;
- European Union word mark No. 015885288, NATIXIS, which was filed on October 4, 2016, and registered on March 25, 2017.

Both registrations have been duly renewed and are still valid. They will hereafter together be referred to in singular as the "Trademark".

The disputed domain name was registered on February 2, 2022, by Respondent. It resolved to a parking page containing pay-per-click ("PPC") advertising links, the titles of which included "natixis" and "*Investissement*" ("investment" in the French language). The links resolved to websites of Complainant's competitors. Following a notice-and-takedown demand from Complainant, the disputed domain name is no longer associated with an active website.

5. Parties' Contentions

A. Complainant

Complainant widely uses the Trademark in connection with banking and financial services. Complainant's reputed services proposed under the Trademark are well known internationally, in particular in the European Union. Complainant has 32 offices in Europe including an office in the Netherlands.

Complainant argues that the disputed domain name is confusingly similar to the Trademark. The Trademark does not have any meaning and is therefore highly distinctive. The disputed domain name almost reproduces the Trademark; they have six identical letters placed in the same order and at the same rank that creates a high visual similarity between "natixis" and NATIXIS, according to Complainant.

Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name. Respondent has no rights including trademark rights in respect of the name NATEXIS. There is no business or legal relationship between Complainant and Respondent. Complainant has neither authorized nor licensed Respondent to use its Trademark in any way. Moreover, the disputed domain name pointed to a parking page displaying PPC links. These links resolved to websites related to Complainant's area of business. With this parking page in French, Respondent targeted consumers from the country in which Complainant has its headquarters. A domain name hosting a parking page comprising PPC links does not represent a *bona fide* offering, according to Complainant.

Complainant further asserts that Respondent registered and is using the disputed domain name in bad faith. Complainant ranked first bookrunner for syndicated real-estate finance loans in the EMEA region in 2017. It enjoys a reputation around the world. It therefore seems unlikely that Respondent was unaware of Respondent's activities and of the existence of the Trademark at the time the registration was made.

Respondent is a systematic cybersquatter engaged in a series of domain name registrations that infringe trademarks of third parties. He was involved as respondent in 20 cases, where a transfer was ordered.

Respondent registered the disputed domain name indicating a fake address.

MX Records attached to the disputed domain name have been activated while the disputed domain name pointed to a parking page. Therefore, there was a high risk that the disputed domain name be used for phishing and scams, in particular given the field of activity of Complainant, namely banking and financial services, according to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

As Respondent has not filed a Response, the Panel shall rule based on the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or fact.

The Panel notes that, in accordance with article 16.4 of the Regulations, the Center has fulfilled its obligation to employ reasonable available means to achieve actual notice of the Complaint to Respondent.

Based on article 2.1 of the Regulations, a request to transfer a domain name must meet three cumulative conditions:

- a. the domain name is identical or confusingly similar to a trademark or trade name protected under Dutch law in which the complainant has rights, or a personal name registered in the General Municipal Register ("gemeentelijke basisadministratie") of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and
- b. the respondent has no rights to or legitimate interests in the domain name; and
- c. the domain name has been registered or is being used in bad faith.

Considering these conditions, the Panel rules as follows.

A. Identical or Confusingly Similar

Based on the assertions and evidence presented by Complainant, the Panel finds undisputable that Complainant holds rights in the Trademark, which as a European Union trademark is protected under Dutch law.

The Panel finds that the disputed domain name is confusingly similar to the Trademark and that it represents a clear case of typosquatting in the sense of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.9.¹ The Panel agrees with Complainant about the high visual similarity between the disputed domain name and the Trademark as further described in the Complaint.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Trademark and the requirement in article 2.1(a) of the Regulations has been met.

¹ In view of the fact that the Regulations are substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

B. Rights or Legitimate Interests

As is described in [WIPO Overview 3.0](#), section 2.1, “while the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of ‘proving a negative’, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

Complainant has established that the disputed domain name resolved to an active webpage with PPC links that diverted to websites where services competing with Complainant were offered. It is well established that the use of a domain name to host a parking page comprising PPC links does not represent a *bona fide* offering of goods or services where such links compete with or capitalize on the reputation and goodwill of a complainant’s trademark or otherwise mislead Internet users (see, [WIPO Overview 3.0](#), section 2.9).

Complainant asserted that Respondent has no rights in respect of the name “natexis” and that no business or legal relationship exists between Complainant and Respondent. Respondent has not countered these arguments, nor did Respondent provide any explanation or evidence to show rights to or legitimate interests in the disputed domain name to rebut Complainant’s *prima facie* case.

The Panel finds that Complainant has established that Respondent has no rights to or legitimate interests in the disputed domain name. The requirement in article 2.1(b) of the Regulations has been met.

C. Registered or Used in Bad Faith

The Panel refers to its considerations under section 6B. and adds the following.

The Panel finds that at the time of registration of the disputed domain name, Respondent was or should have been aware of the Trademark. Complainant is well known, and in any event a trademark register search, or even a simple online search prior to the registration of the disputed domain name would have informed Respondent of the existence of Complainant’s trademark rights and its extensive use of the Trademark as a source identifier. Moreover, the composition of the disputed domain name itself strongly suggests that Respondent targeted the Trademark.

The disputed domain name redirected Internet users to a parking page with PPC links, displaying commercial links directly targeting Complainant’s field of activity, which are likely to generate revenue. This deliberate use for illicit commercial benefit indicates Respondent’s bad faith registration and use of the disputed domain name.

Furthermore, the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, is further evidence of bad faith, given the circumstances of the case (see, [WIPO Overview 3.0](#), section 3.2).

Respondent has been involved as a respondent in at least 20 UDRP procedures, each time decided against Respondent. Although each case must be judged on its own merits, this circumstance reinforces the Panels finding of bad faith in the present case.

The Panel further takes into consideration that Respondent has provided false contact information at the time of registration of the disputed domain name.

In conclusion, the Panel finds that the requirement under article 2.1(c) of the Regulations has been met.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the domain name <natexis.nl> be transferred to Complainant.

/Richard C.K. van Oerle/

Richard C.K. van Oerle

Panelist

Date: April 27, 2022