

## **ADMINISTRATIVE PANEL DECISION**

**Confédération Nationale du Crédit Mutuel v. Creditmutuel group**  
**Case No. D2023-1213**

### **1. The Parties**

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

The Respondent is Creditmutuel group, France.

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

The disputed domain name <creditmutuelgroup.org> (the “Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 21, 2023, 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 (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant also on March 21, 2023 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 March 23, 2023.

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 March 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 14, 2023.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on April 19, 2023. 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 following facts are based on the submissions in the Complaint and the Annexes to the Complaint.

The Complainant is a French group of companies specialized in banking and insurance services.

The Complainant is the owner of several trade marks for CREDIT MUTUEL including the following:

- CREDIT MUTUEL, French semi-figurative trade mark n° 1475940 registered on July 8, 1988, in classes 35 and 36; and
- CREDIT MUTUEL, French semi-figurative trade mark n° 1646012 registered on November 20, 1990 in classes 16, 35, 36, 38 and 41.

The Complainant is also the owner of several domain names reflecting its trade mark, such as <creditmutuel.com>.

The Domain Name was registered on February 8, 2023. At the time of the Complaint, the Domain Name resolved to a webpage displaying the word “Welcome” in a dialog box and, upon clicking on the dialog box, Internet users were taken to a website purporting to offer banking services, using the Complainant’s logo and the CREDIT MUTUEL trade mark.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to the CREDIT MUTUEL trade mark in which the Complainant has rights, as the Domain Name incorporates the entire CREDIT MUTUEL trade mark with the mere addition of the term “group”, and that such addition to the Domain Name does not prevent the likelihood of confusion between the Domain Name and the Complainant’s trade mark.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant states that the Respondent is not known to the Complainant. The Complainant contends that the Respondent is not related in any way to the Complainant’s business and also that the Respondent has never been known by the Domain Name. In addition, the Complainant asserts that no license or authorization has been granted to the Respondent to register or use the Domain Name. In addition, the Complainant argues that the Domain Name is used fraudulently and in an attempt to mislead Internet users into believing that the associated website is affiliated with the Complainant, in an effort to facilitate phishing and obtain the personal data of unsuspecting Internet users.

The Complainant contends that the Respondent has registered the Domain Name with full knowledge of the Complainant’s trade mark and the Respondent could not have ignored the reputation of the Complainant’s trade mark CREDIT MUTUEL as it is well-known. In addition, the Complainant submits that the registrant and contact information for the Domain Name is incorrect and constitutes an attempt to impersonate the Complainant which is a further indication of the fact that the Domain Name was registered in bad faith. The Complainant also alleges that the Respondent is using the Domain Name in bad faith, with the purpose of intentionally attempting to create a likelihood of confusion with the Complainant’s CREDIT MUTUEL trade mark and confuse users into thinking there is an affiliation with the Complainant. Finally the Complainant

highlights the fact that MX servers have been activated for the Domain Name which is a further indication that the Respondent intends to use the Domain Name to facilitate fraud.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order to prevail the Complainant must substantiate that the three elements of paragraph 4(a) of the Policy have been met, namely:

- (i) the Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

In the case of default by a party, as is the case here, paragraph 14(b) of the Rules makes it clear that if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

In the absence of a Response from the Respondent whereby the Respondent did not object to any of the contentions from the Complainant, the Panel will have to base its decision on the basis of the Complaint and supporting Annexes.

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

In light of the evidence provided by the Complainant, the Panel is satisfied that the Complainant has substantiated that it holds valid trade mark rights in CREDIT MUTUEL, which is reproduced in its entirety in the Domain Name.

The second point that has to be considered is whether the Domain Name is identical or confusingly similar to the trade mark CREDIT MUTUEL in which the Complainant has rights.

At the second level, the Domain Name incorporates the Complainant's CREDIT MUTUEL trade mark in its entirety with the mere addition of the term "group". The addition of this term does not prevent a finding of confusing similarity between the Complainant's trade mark and the Domain Name.

Then there is the addition of the generic Top-Level-Domain ("gTLD") ".org". As is generally accepted, the addition of a gTLD such as ".org" is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test.

Thus, the Panel finds that the Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy sets out relevant circumstances that could demonstrate that a respondent has rights or legitimate interests in a domain name, namely:

Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate [the respondent's] rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to [the respondent] of the dispute, [the respondent's] use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) [the respondent] (as an individual, business, or other organization) ha[s] been commonly known by the domain name, even if [the respondent] ha[s] acquired no trade mark or service mark rights; or
- (iii) [the respondent] is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

Numerous previous panels have found under the UDRP that once the Complainant makes a *prima facie* showing that the registrant does not have rights or legitimate interests in the domain name, the burden of production shifts to the Respondent to rebut the showing by providing evidence of its rights or interests in the domain name.

Having reviewed the Complainant's assertions and evidence, the Panel is satisfied that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in the Domain Name.

The Complainant has stated that it does not know the Respondent and that it has not licensed or otherwise authorized the Respondent to make any use of its trade mark CREDIT MUTUEL.

There is no indication that the Respondent is commonly known by the Domain Name. The registrant and contact information for the Domain Name, as disclosed by the Registrar, misleadingly refers to the Complainant and constitutes an attempt to impersonate the Complainant which negates the possibility that the Domain Name could be used in a legitimate manner.

Further, the use of the Domain Name to resolve to a webpage displaying the word "Welcome" in a dialog box and, upon clicking on the dialog box, taking the Internet users to a website purporting to offer banking services, using the Complainant's logo and CREDIT MUTUEL trade mark, demonstrates the Respondent's intention to use the Domain Name abusively and cannot be considered *bona fide*, legitimate or fair.

Furthermore, the nature of the Domain Name, comprising the Complainant's trade mark in its entirety in combination with the term "group", carries a high risk of implied affiliation. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)").

Thus, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy sets out a number of relevant non-exhaustive circumstances, which can be deemed to constitute evidence of registration and use of a domain name in bad faith, namely:

- (i) circumstances indicating that [the respondent has] registered or acquired [a disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trade mark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent's] documented out-of-pocket costs directly related to the domain name; or

- (ii) [the respondent has] registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location.

Given the circumstances described in the Complaint and the documentary evidence provided by the Complainant, the Panel finds that the Domain Name was registered in bad faith.

The Domain Name reproduces the exact CREDIT MUTUEL trade mark of the Complainant and this cannot be a coincidence given the overall circumstances of the present case including (i) the renown of the Complainant's CREDIT MUTUEL trade mark, as substantiated by the Complainant and acknowledged by several previous UDRP panels and (ii) the fact that the registrant and contact information for the Domain Name, as disclosed by the Registrar, misleadingly refers to the Complainant's group of companies.

Thus, the Panel finds that the Domain Name was registered in bad faith.

As for use of the Domain Name in bad faith, given the circumstances described in the Complaint and the evidence provided by the Complainant, the Panel considers that the Domain Name is used in bad faith.

The record shows that the Domain Name resolves to a webpage displaying the word "Welcome" in a dialog box and, upon clicking on the dialog box, taking the Internet users to a website purporting to offer banking services using the Complainant's logo and the CREDIT MUTUEL trade mark, which demonstrates the Respondent's intention to use the Domain Name abusively and thus in bad faith.

In addition, the DNS setup of the Domain Name (with active MX records), along with the composition of the Domain Name, lead the Panel to consider that the Domain Name could be used to send fraudulent email communications, and thus further deceive Internet users. In these circumstances, the Domain Name constitutes a potential threat hanging over the head of the Complainant especially in light of the fact that fraudulent use of domain names and emails are particularly prevalent in relation to online banking.

The fact that the Respondent chose not to object to the Complainant's assertions can only reinforce the Panel's view that the Domain Name is used in bad faith.

Thus, the Panel finds that the Domain Name has been registered and is also being used in bad faith.

## **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, <creditmutuelgroup.org> be transferred to the Complainant.

*/Vincent Denoyelle/*

**Vincent Denoyelle**

Sole Panelist

Date: May 3, 2023