

ADMINISTRATIVE PANEL DECISION

Confederation Nationale du Credit Mutuel CNCM v. rachel julien jean
Case No. D2024-4521

1. The Parties

The Complainant is Confederation Nationale du Credit Mutuel CNCM, France, represented by MEYER & Partenaires, France.

The Respondent is rachel julien jean, France.

2. The Domain Names and Registrar

The disputed domain names <assist-credit-mutuel.com>, <assistcredit-mutuel.com>, <credit-mutuelassist.com>, and <credit-mutuel-cdsl.com> are registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 4, 2024. On November 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 2024, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 6, 2024, 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 November 8, 2024.

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 November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 5, 2024.

The Center appointed Christophe Caron as the sole panelist in this matter on December 16, 2024. 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 the French association Confederation Nationale du Credit Mutuel (CNCM), the political and central body for the banking group CREDIT MUTUEL. The Complainant presents the group CREDIT MUTUEL as the second French banking and insurance services group, which provides its services to 12 million clients for more than a century, and as a major actor on the market of banking services for both individuals and businesses. The Complainant explains being present in all fields of finance.

The Complainant is the registered owner of a large number of trademarks, including:

- The French semi-figurative trademark CREDIT MUTUEL, No. 1475940 registered on July 8, 1988, in classes 35 and 36 of 1957 Nice Agreement, renewed on August 27, 2008;
- The French semi-figurative trademark CREDIT MUTUEL No. 1646012 registered on November 20, 1990, in classes 16, 35, 36, 38 (Internet services), and 41 of Nice Agreement, renewed on September 15, 2010;
- The European Union nominative trademark CREDIT MUTUEL, No. 9943135 registered on October 20, 2011, in classes 9, 16, 35, 36, 38, 41, 42, and 45 of Nice Agreement;
- The International semi-figurative trademark CREDIT MUTUEL No. 570182 registered on May 17, 1991, in classes 16, 35, 36, 38, and 41 of Nice Agreement.

Furthermore, the trademark CREDIT MUTUEL has been recognized as well-known by prior panels, e.g., *Confederation Nationale du Credit Mutuel v. Philippe Marie*, WIPO Case No. [D2010-1513](#).

The Complainant also point out that, according to the French ministry order No. 58-966 of October 16, 1958, the use of the wording CREDIT MUTUEL is reserved to the Complainant and to its related branches.

The Complainant is also the registered owner of many domain names, including :

- <creditmutuel.info> registered on September 13, 2001, and duly renewed since then;
- <creditmutuel.org> registered on June 3, 2002, and duly renewed since then;
- <creditmutuel.fr> registered on August 9, 1995, and duly renewed since then;
- <creditmutuel.com> registered on October 27, 1995, and duly renewed since then;
- <creditmutuel.net> registered on October 3, 1996, and duly renewed since then.

The disputed domain names were registered on September 16 and 27, 2024, and have been blocked for suspected fraud.

At last, the Complainant claims that the Respondent has already been cited in the following UDRP proceedings: *Confederation Nationale du Credit Mutuel v. rachet julien jean, kamtech / julien jean, A.c.t.e*, WIPO Case No. [D2024-2320](#) and *Confederation Nationale du Credit Mutuel v. rachet julien jean, kamtech*, WIPO Case No. [D2024-3012](#). The panels ordered, in these cases, that the concerned disputed domain names be transferred to the Complainant.

The Complainant decided to file a complaint with UDRP to request that the disputed domain names be transferred to its portfolio.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends in the first place that the disputed domain names are highly confusingly similar to the trademarks CREDIT MUTUEL. The Complainant states that the trademarks CREDIT MUTUEL are identically reproducing in the disputed domain names and that the addition of the term "assist" or the acronym "CDSL" or the generic Top-Level Domain ".com" does not alter the risk of confusion with these trademarks.

Secondly, the Complainant considers that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant maintains that the Respondent is not currently and has never been known under the wordings "credit mutuel" or "assist credit mutuel" or "credit mutuel cdsi" or "credit mutuel assist". The Complainant also maintains that the Respondent is not related in any way to the Complainant's business: the Respondent is not one of its agents and does not carry out any activity for or has any business with it. Besides, according to the Complainant, no license or authorization has been granted to the Respondent to make any use or apply for registration of the disputed domain names.

In the third place, the Complainant claims that the disputed domain names were registered and are being used in bad faith. The Complainant specifies that its trademarks benefit from a strong reputation and are well-known and that the Respondent could not have ignored the reputation of the trademarks CREDIT MUTUEL at the time it registered the disputed domain names. Further, the Complainant argues that it is unlikely that the Respondent has chosen these names, unless seeking to create an impression of association with the Complainant's fame and reputation. According to the Complainant, the fact that the disputed domain names incorporate the Complainant's trademark in its entirety creates a presumption of bad faith. The Complainant adds that pursuant to the Notice of Registrant Information sent by the Center on November 6, 2024, the postal addresses and general information of the Respondent are false in order to excerpt its liability which is another evidence of the bad faith of the Respondent in the registration of the disputed domain names. Finally, the Complainant contends that the "non-use" of these disputed domain names constitutes bad faith use, as "passive holding".

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the trademarks are reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the trademarks are recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms “assist” or “cdsl” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

In this case, the Respondent is not related in any way to the Complainant’s business: the Respondent is not one of the Complainant’s agents and does not carry out any activity for or has any business with it. Therefore, no license or authorization has been granted to the Respondent to make any use or apply for registration of the disputed domain names. Furthermore, the Respondent has not made any active use of the disputed domain names and their composition is such to carry a risk of implied affiliation to the Complainant, which cannot constitute fair use.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has a pattern of bad faith registration and use, proved notably by (i) the warning message about the security displayed on the websites to which the disputed domain names resolve, indicating that they were blocked for suspected fraud; (ii) that the Complainant’s trademark is well-known and the Respondent could not have ignored the reputation of the trademarks CREDIT MUTUEL at the time of the registration; and (iii) that the Respondent failed, despite being given the opportunity, to provide evidence of bona fide, actual or intended use of the disputed domain names, are all elements that characterize the bad faith of the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademarks and the composition of the disputed domain names and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy. It appears that the Respondent is engaged in a pattern of bad faith registration and use, proved notably by the warning messages about the security displayed on the websites to which the disputed domain names resolve, indicating that they were blocked for suspected fraud, as well as the prior UDRP decisions rendered against the Respondent for its bad faith conduct (*Confederation Nationale du Credit Mutuel v. rachet julien jean, kamtech / julien jean, A.c.t.e, supra.*, and *Confederation Nationale du Credit Mutuel v. rachet julien jean, kamtech, supra.*).

The Panel finds that the Complainant has established the third element 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 names <assist-credit-mutuel.com> <assistcredit-mutuel.com>, <credit-mutuelassist.com>, <credit-mutuel-cdsl.com> be transferred to the Complainant.

/Christophe Caron/

Christophe Caron

Sole Panelist

Date: December 30, 2024