

## **ADMINISTRATIVE PANEL DECISION**

### **CBH Compagnie Bancaire Helvétique v. Sennet Lejeune Case No. D2024-4536**

#### **1. The Parties**

The Complainant is CBH Compagnie Bancaire Helvétique, Switzerland, represented by Katzarov SA, Switzerland.

The Respondent is Sennet Lejeune, United States of America.

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

The disputed domain name <cbhandlife.com> (“Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 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 (PrivacyGuardian.org) 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 amendment to the Complaint on November 6, 2024.

The Center verified that the Complaint together with the amendment to the 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 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 5, 2024.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on December 17, 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

Established in 1975, the Complainant is a Swiss private bank headquartered in Geneva, primarily providing private banking and wealth management services. It specializes in offering tailored financial services to high-net-worth individuals and families, with services including investment advisory, asset management, estate planning, and financial planning. The Complainant also engages in trading and market activities, providing clients with access to a broad range of financial instruments and investment products across global markets. The Complainant also provides multi-currency accounts, financing solutions and other specialised banking services to its clients.

The Complainant owns various word and figurative trademarks for the CBH COMPAGNIE BANCAIRE HELVETIQUE mark and logo in multiple jurisdictions. The relevant trademarks include, inter alia, the Swiss Trademark Registration No. 604050 for CBH COMPAGNIE BANCAIRE HELVETIQUE in Classes 16, 35, and 36 registered on January 21, 2010, the Swiss Trademark Registration No. 604051 for  in Classes 16, 35, and 36 registered on January 21, 2010, the International Trademark Registration No. 1254276 for CBH COMPAGNIE BANCAIRE HELVETIQUE in Classes 16, 35, and 36 registered on April 15, 2015, the International Trademark Registration No. 1254275 for  in Classes 16, 35, and 36 registered on April 15, 2015 (the “Complainant’s Trademark”).

The Disputed Domain Name was registered on March 28, 2024, many years after the Complainant registered the Complainant’s Trademark. At the time of the filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to a website offering a range of financial services, including trading in currencies, stocks, and commodities (the “Respondent’s Website”).

#### 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 Name.

Notably, the Complainant contends that:

(a) The Disputed Domain Name is confusingly similar to the Complainant’s Trademark. The Disputed Domain Name incorporates “CBH”, which is the core element, and the most distinctive and recognizable part, of the Complainant’s Trademark. The only difference between the Disputed Domain Name and the Complainant’s Trademark is the generic term “andlife”, which does not differentiate the Disputed Domain Name from the Complainant’s Trademark. The term “andlife” is closely associated with services that improve lives, which is inherent in banking and wealth management. Consumers are likely to associate the Disputed Domain Name with “CBH” leading to confusion about the source of the services. Moreover, the generic Top-Level Domain (“gTLD”), “.com” in this case, should be disregarded when making the assessment of confusing similarity.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent has no formal authorization, license, or any established connection to use the Complainant’s Trademark or its corporate identity. By listing the Complainant’s corporate address on the Respondent’s Website, the Respondent misleads Internet users into believing it has a legitimate connection to the Complainant, so as to capitalize on the Complainant’s established reputation and to benefit from the potential confusion. The

Respondent appears to be obscuring its identity and targeting the Complainant's Trademark to offer competing and illicit services. The Respondent offers fraudulent broker services and mislead consumers, while at the same time attempting to impersonate the Complainant. It has not been using the Disputed Domain Name in connection with a bona fide offering of goods or services or with noncommercial or fair use purposes.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent registered the Disputed Domain Name knowing the existence of the Complainant. On the Respondent's Website, the Respondent uses a logo that is confusingly similar to the Complainant's Trademark, offers competing services, and falsely adopts the Complainant's corporate address as its own, which shows the Respondent's attempt to fraudulently mislead potential customers into believing that the Respondent's Website is affiliated with or authorized by the Complainant. The deceptive use of the Complainant's details on the Respondent's Website constitutes bad faith, as it exploits the Complainant's established reputation and confuses consumers for illegitimate purposes.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 has been registered and is being used by the Respondent in bad faith.

### **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 Panel finds the Complainant's Trademark is recognizable within the Disputed Domain Name. The Disputed Domain Name incorporated the core part of the Complainant's Trademark, which is also the acronym of the name of the Complainant in the Complainant's Trademark "CBH COMPAGNIE BANCAIRE HELVETIQUE". Furthermore, it is well established that the gTLD, ".com" in this case, may be disregarded for the purposes of assessing confusing similarity under the first element. See section 1.11.1 of the [WIPO Overview 3.0](#). Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms such as in this case, "andlife" may be more relevant for the assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent’s failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name. The Panel further notes the distinctiveness and worldwide reputation of the Complainant’s Trademark, and the fact that the Complainant has provided no licence or authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant.

There is also no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or can be regarded as legitimate noncommercial or fair use. The Respondent’s Website has been allegedly used to impersonate the Complainant, by featuring the term “CBH” in the website logo and header, listing an office address that is almost identical to that of the Complainant, and offering financial services similar to those offered by the Complainant. The Respondent’s Website therefore attempts to divert business away from the Complainant while capitalizing on the goodwill associated with the Complainant’s Trademark.

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 Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity such as in this case, claimed impersonation or passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that it has incorporated the core part of the Complainant's Trademark "CBH" and the Respondent allegedly impersonated the Complainant on the Respondent's Website. The Respondent registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. See paragraph 4(b)(vi) of the Policy and section 3.1 of the [WIPO Overview 3.0](#). Also, as discussed above, the Respondent lacks any rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name.

Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been fully aware of the Complainant and the Complainant's Trademark when it registered the Disputed Domain Name, given the well-known nature of the Complainant's brand, evidenced by the various trademark registrations for the Complainant's Trademark across the globe that was put into use well before the Respondent registered the Disputed Domain Name, as well as the misappropriation of an address on the Respondent's Website that is nearly identical to the Complainant's office address. Moreover, the core part of the Complainant's Trademark "CBH" is featured in both the Disputed Domain Name and the Respondent's Website, and the Respondent's Website also offers certain financial services similar to those offered by the Complainant.

Panels have held that the use of a domain name for illegitimate activity such as in this case, claimed impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Lastly, it appears that the Respondent furnished false registration information to the Registrar seeing as the physical address disclosed combined information indicating both the United States of America and France; the Registrar ultimately being unable to deliver the Center's Written Notice to the "bad address" (as reported by the courier) disclosed by the Registrar for the Respondent.

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 Name <cbhandlife.com> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: January 2, 2025