

ADMINISTRATIVE PANEL DECISION

Banque Palatine v. MICHEL GEINDRE

Case No. D2024-4685

1. The Parties

The Complainant is Banque Palatine, France, represented by KALLIOPE Law Firm, France.

The Respondent is MICHEL GEINDRE, France.

2. The Domain Name and Registrar

The disputed domain name <palatineonline.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 13, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (Whois Privacy Protection Foundation, Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 15, 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 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 16, 2024.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on December 24, 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, Banque Palatine, is a French bank founded in 1780 and specialized in small and medium-sized companies and in asset management.

Banque Palatine is a wholly owned subsidiary of Groupe BPCE, one of the largest banking groups in France and which is well known in the international market and is present in more than 40 countries via its various subsidiaries (Annex 5 to the Complaint).

Banque Palatine is the owner of numerous trademarks including the following:

- The European Union trademark PALATINE No. 004353223 registered on July 31, 2006, in classes 9, 16, 35, 36, 38, 41, and 42, duly renewed;
- The French trademark BANQUE PALATINE No. 3644179 registered on April 15, 2009, in classes 35, 36, and 38, duly renewed;
- The International word and device Trademark BANQUE PALATINE L'ART D'ETRE BANQUIER No. 1066933 registered on January 12, 2011, in classes 35 and 36, duly renewed.

The Complainant is the registrant of the domain name <palatine.fr> registered in 2004, that resolves to its official website.

The disputed domain name <palatineonline.com> was registered on October 28, 2024 and gives access to a parking page providing pay-per-click links, including links dedicated to financial and tax services.

The Whois data of the Respondent were disclosed by the Registrar.

It appears that the Respondent is an individual located in France.

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 the disputed domain name incorporates the term "palatine", which is identical to the PALATINE trademarks.

The addition of the term "online" does not prevent a finding of confusing similarity, since the PALATINE trademark is recognizable within the disputed domain name.

Therefore, the public is likely to believe that the disputed domain name belongs to the Complainant.

The Complainant has never authorized the Respondent to register and/or use any domain name incorporating the PALATINE and BANQUE PALATINE trademarks.

The Complainant has not granted any license, nor any authorization to use the PALATINE and BANQUE PALATINE trademarks, including as a domain name.

Under these circumstances, the Respondent has no rights or legitimate interests to use the disputed domain name.

The Complainant asserts that the Banque Palatine and its parent company BPCE Group are well known in France and through the world, notably by the financial and banking market consumers.

Consequently, the choice of the disputed domain name does not seem to be a mere coincidence, but on the contrary seems to have been done on purpose to generate a likelihood of confusion with the PALATINE and BANQUE PALATINE trademarks and with the <palatine.fr> domain name registered in the name of the Complainant.

It contends that the PALATINE and BANQUE PALATINE trademarks are well known and that the registration of the disputed domain name has been done per se in bad faith.

As previously explained, the disputed domain name resolves to a parked page, with notably links to bank services. This use generates web traffic to the site based on the recognition of the PALATINE and BANQUE PALATINE trademarks. It demonstrates bad faith use.

The Complainant contends that the anonymous registration further demonstrates the Respondent's bad faith.

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 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 disputed domain name is composed of the PALATINE trademark, with the addition of the term "online".

Although the addition of other terms here, "online", may bear on 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 PALATINE 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

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

(i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

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.

The Complainant proves that the disputed domain name was used without any authorization to misleadingly divert Internet users, using the reputation of the PALATINE and BANQUE PALATINE trademarks.

The use of the disputed domain name cannot be considered as a bona fide use without intent for commercial gain.

The composition of the disputed domain name carries a risk of implied affiliation with the Complainant, and, in the absence of any explanation by the Respondent, prevents the finding of rights or legitimate interests on behalf of the Respondent. [WIPO Overview 3.0](#), section 2.5.1.

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 name such as those enumerated in the Policy or otherwise.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by a panel to be evidence of bad faith registration and use of the disputed domain name.

It provides that:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered, or the respondent has acquired the 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 trademark 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 trademark 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 its 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.

The disputed domain name is composed with the distinctive PALATINE trademark and the addition of the generic term "online", in order to let the Internet users believe that the disputed domain name is associated with the Complainant.

The Panel notes that the Respondent, who is located in France, could not have been unaware the Complainant's rights on the PALATINE and BANQUE PALATINE trademarks when it decided to register the disputed domain name, which amounts to registration in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

Because of the confusing similarity between the disputed domain name and the PALATINE, Internet users are likely to associate it with the Complainant and its financial and banking services. Such misleading nature of the disputed domain name creates confusion among Internet users and interferes with the Complainant and its business.

Therefore, in the Panel's view, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of the services on its website, in the meaning of paragraph 4(b)(iv) of the Policy.

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 <palatineonline.com> be transferred to the Complainant.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: January 7, 2025