

ADMINISTRATIVE PANEL DECISION

LO IP SA, Banque Lombard Odier & Cie SA v. Romain Keller
Case No. D2025-1378

1. The Parties

The Complainants are LO IP SA and Banque Lombard Odier & Cie SA, both of Switzerland, represented by Baker McKenzie Switzerland AG, Switzerland.

The Respondent is Romain Keller, France.

2. The Domain Name and Registrar

The disputed domain name <lombardodierfunds.com> is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 4, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 2025, 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 ([Name and address of respondent unknown]) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 7, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 11, 2025.

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 April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 6, 2025.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on May 14, 2025. 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 Complainants are both members of the Lombard Odier group of companies, a renowned bank which was founded in Geneva in 1796 and which is among the leading providers of wealth management services worldwide.

The Complainant LO IP SA owns the following trademarks:

- International trademark registration No. 627468 for LOMBARD ODIER & CIE, registered on October 13, 1994, for services in class 36;
- Swiss national trademark registration No. CH 412721 for LOMBARD ODIER & CIE, registered on October 13, 1994, with invoked priority since 1830, for services in class 36.

Both registrations have been duly renewed and are still valid. The registrations will jointly be referred to, in singular, as the "Trademark".

Moreover, the Complainant Banque Lombard Odier & Cie SA developed a presence on the Internet through its website at the domain name <lombardodier.com>.

The disputed domain name was registered on December 18, 2024. The website to which the disputed domain name resolves, appears as "under construction" on the Web.

Furthermore, Annex 6 to the Complaint provides evidence of a fraudulent email sent from an email address associated with the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

(i) the disputed domain name is confusingly similar to the Trademark. The Complainants consider that the disputed domain name incorporates the dominant feature LOMBARD ODIER of their Trademark with the only addition being the word "funds". This, however, does not create sufficient difference between the disputed domain name and the Trademark. Rather, the relevant public will assume that it is a trademark of Lombard Odier: the term "funds" translates to "capital", "wealth" or "cash" in English. It is commonly used in various professional contexts to denote banking services such as capital management, wealth management and financial transactions.

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that (1) the Respondent is not related to the Complainants, nor have the Complainants' given authorization to register the disputed domain name, and (2) the Respondent does not have rights or legitimate interests in relation to the disputed domain name as there is no effective use of it.

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that (1) the disputed domain name constitutes a clear case of domain name squatting and/or typosquatting, (2) the disputed domain name has been registered by the Respondent in order to send emails in order to mislead recipients about the origin of the emails, to defraud private individuals and other investors into placing money with them, (3) the Respondent is an unrelated third party, (4) the address the Respondent has indicated appears to be a store address and further, according to online researches, there is no person named "Romain Keller" registered at this address – this can only be motivated by some desire to prevent third parties from locating, contacting or identifying the Respondent and such behavior is a strong indicator that the domain registration has been made in bad faith, and (5) there have been six similar UDRP cases with favorable decisions regarding the registered trademark of the Complainants.

The Complainants request that the disputed domain name be transferred to the Complainant LO IP SA.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following three elements in order to succeed in its complaint:

- (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 domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainants. The Respondent's default does not by itself mean that the Complainants are deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

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 LO IP SA 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 mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "funds") 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 mark 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 Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ *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 illegal activity (here, claimed impersonation) 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.

On the issue of registration, taking into account the composition of the disputed domain name and the distinctive nature of the Complainants’ Trademark, the Panel is satisfied that the Respondent knew of and targeted the Complainants’ Trademark when it registered the disputed domain name, given that the Respondent has registered a disputed domain name composed of the dominant part of the Trademark and only added the term “funds”.

There is evidence in the record provided by the Complainants that the email address [...]@lombardodierfunds.com, using the name of an employee of the Complainants’ company, was used in an attempt to intercept business for the Respondent’s own benefit. This is sufficient to raise a presumption of bad faith use.

Panels have held that the use of a domain name for illegal activity, here claimed impersonation, 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.

The Panel finds that the Complainants have 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 <lombardodierfunds.com> be transferred to the Complainant LO IP SA.

/Richard C.K. van Oerle/

Richard C.K. van Oerle

Sole Panelist

Date: May 22, 2025