

## **ADMINISTRATIVE PANEL DECISION**

BPCE v. Chinonso Dobi

Case No. D2025-1777

### **1. The Parties**

The Complainant is BPCE, France, represented by KALLIOPE Law Firm, France.

The Respondent is Chinonso Dobi, Nigeria.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 5, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and its contact details.

The Center verified that 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 May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on June 10, 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 Complainant is a French joint stock company acting as the central institution responsible for the two banking networks Banques Populaires and Caisses d'Epargne. The Complainant is the second largest banking group in France and pursues a full range of banking, financing and insurance activities, working through its two major Banque Populaire and Caisse d'Epargne cooperative banking networks and through its different subsidiaries. The Complainant has put down roots in its local markets. Its 105,000 employees serve a total of 36 million customers, 9 of whom have decided to become cooperative shareholders. The Complainant is known in the international market and is present in more than 40 countries via its various subsidiaries.

The Complainant is the owner of numerous trademark registrations featuring its BCPE mark including for instance the European Union trademark registration No. 8375842, registered on January 12, 2010.

The Complainant is also the owner of the domain names, directly and also via its subsidiary GCE TECHNOLOGIES, such as <bpce.fr> registered in 2008 and <groupebpce.fr> or <groupebpce.com> registered in 2009 and corresponding to active websites, the Complainant's institutional portal.

The disputed domain name was registered on March 25, 2025 and does not resolve to any active 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 the disputed domain name is identical or confusingly similar to the Complainant's trademark. The disputed domain name contains the well-known Complainant's trademark in its entirety with the prefix "grupe" which is "groupe" in French, with an error and the generic Top-Level Domain ("gTLD") ".com". These additional elements do not prevent a finding of confusing similarity. The identical reproduction of the Complainant's trademark in the disputed domain name is sufficient to establish confusing similarity. The gTLD ".com" shall not be taken into account to assess the likelihood of confusion between the signs. It is constant that, as a technical requirement of registration, the gTLD suffix is generally disregarded in the comparison between a domain name and a trademark. The use of the Complainant's trademark in the disputed domain name leads the public to believe that the disputed domain name belongs to the Complainant and is an expansion of its services.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no trademarks or trade names corresponding to the disputed domain name and the Complainant has never authorized the Respondent to register and/or use any domain name incorporating the Complainant's trademark. The Respondent's use of the disputed domain name does not qualify as bona fide offering of goods and services.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark registrations pre-date the registration of the disputed domain name. The Complainant and its subsidiaries are well known in France and throughout the world, notably by the financial and banking market consumers. 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 disputed domain name and the Complainant's trademark. The Complainant's trademark is well known, so it shall be deemed that the registration of the disputed domain name has been done per se in bad faith. This is bad faith because of the risk of confusion with the Complainant's trademark, its website and its

activities. The currently inactive status of the disputed domain name does not prevent a finding of bad faith under the doctrine of 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 applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The entirety of the mark is reproduced 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, "grupe," 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 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 available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent. Noting the composition of the disputed domain name (which is nearly identical to the Complainant's own domain name <groupebpce.com>) and the reputation of the Complainant's trademark, the Panel finds that the Respondent selected the disputed domain name with the Complainant's trademark in mind intending to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

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 registered the disputed domain name confusingly similar to the Complainant's trademark. The mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in France and internationally. Thus, the Panel finds that the disputed domain name confusingly similar to the Complainant's trademark was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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 and reputation of the Complainant's trademark, the Respondent's failure to submit a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <groupebpce.com> be transferred to the Complainant.

*/Taras Kyslyy/*

**Taras Kyslyy**

Sole Panelist

Date: June 18, 2025