ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Caisse d'Épargne et de Prévoyance Provence Alpes Corse (CEPAC) v. Monica Jolito
Case No. D2025-1908

1. The Parties

The Complainant is Caisse d'Épargne et de Prévoyance Provence Alpes Corse (CEPAC), France, represented by KALLIOPE Law Firm, France.

The Respondent is Monica Jolito, Benin.

2. The Domain Name and Registrar

The disputed domain name <cepac-bnk.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 13, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 2025, 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 May 15, 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 May 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 11, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 17, 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 cooperative bank, forming one of the two major subsidiaries of BPCE, which is a large French banking group with 105,000 employees and 36 million customers in over 40 countries.

The Complainant offers its banking services under the CEPAC mark, which is registered under French Trademark Registration No. 4187877 CEPAC (stylised & device) in classes 35, 38, 36, and 41, having a registration date of June 10, 2015.

The disputed domain name was registered on February 8, 2025, and has in the past resolved to a website entitled "CEPAC" ostensibly offering banking services, featuring a device that is virtually identical to the device used by the Complainant as part of its logo.

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 was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

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 Complainant's registered mark is recognizable within the disputed domain name. To the extent that the design elements of the Complainant's mark are incapable of representation in domain names, these elements are disregarded for purposes of assessing identity or confusing similarity. WIPO Overview 3.0, section 1.10. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

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.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent registered the disputed domain name to take advantage of confusion with the Complainant's mark. The Respondent's registration and use of the disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. D2022-1981.

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

Internet searches for "cepac bank" return results overwhelmingly relating to the Complainant, and the Complainant's mark is clearly well-known within the banking sector. The disputed domain name's composition, featuring the Complainant's well-known mark plus an obvious abbreviation of "bank" in the form of "bnk", itself points to targeting of the Complainant in these circumstances.

The disputed domain name's website reproduces, nearly identically, the design element of the Complainant's logo, which was in widespread usage prior to registration of the disputed domain name. This cannot have been a coincidence and shows knowledge of the Complainant's mark on the part of the Respondent. This, combined with the fact that the disputed domain name's website ostensibly offers banking services which are competitive with those of the Complainant points to bad faith targeting.

The disputed domain name's website listed an address of "1 Place Estrangin Pastré Boîte postale, BP 108 - CP: 13254". In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has established that this is the exact address of one of the Complainant's own

offices. This clearly points to an intention to impersonate the Complainant. *Intesa Sanpaolo S.p.A. v. Intesasanpaolo*, WIPO Case No. D2009-1550.

The Respondent apparently supplied incomplete or false address details in the WhoIs record for the disputed domain name; the Center's courier indicated that a "bad address" was supplied and that the Center's correspondence could not be delivered to the Respondent. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit. *Kabushiki Kaisha Raibudoa v. Kubota, A*, WIPO Case No. D2001-0817.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. WIPO Overview 3.0 at section 4.3.

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 <cepac-bnk.com> be transferred to the Complainant.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: June 20, 2025