

## ADMINISTRATIVE PANEL DECISION

BPCE v. Leonardo JavierBarroso Falcon, Bungee  
Case No. D2025-2709

### 1. The Parties

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

The Respondent is Leonardo JavierBarroso Falcon, Bungee, Peru.

### 2. The Domain Name and Registrar

The disputed domain name <assurance-caisse-epargne.com> is registered with Nicenic International Group Co., Limited (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on July 11, 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 July 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 July 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on August 12, 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, BPCE, is a French joint stock company acting as the central institution responsible for two banking networks, namely Banques Populaires and Caisses d'Epargne. The Complainant indicates that it is the second largest banking group in France and offers banking, financing, and insurance services. The Complainant adds that it employs over 105,000 employees, has over 36 million customers, and is present in more than 40 countries via its subsidiaries.

The Complainant asserts that it owns numerous trademark registrations including the following:

- The French trademark No. 1658134 for CAISSE D'EPARGNE (semi-figurative), registered on April 26, 1991, in the international classes 9, 16, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- The European Union trademark No. 000637504 for CAISSE D'EPARGNE (figurative), registered on April 8, 1999, in the international classes 9, 16, 35, 36, 38, 41, and 42; and,
- The French trademark No. 3155888 for LA CAISSE D'EPARGNE, registered on March 27, 2002, in the international classes 36 and 41.

The Complainant is the owner of the domain name <caisse-epargne.com>, registered on October 6, 1998, and the domain name <caisse-epargne.fr>, registered on January 16, 2009.

The disputed domain name was registered on May 3, 2025. At the time of filing the Complaint and this Decision, it does not resolve to an 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. The Complainant's contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant contends that the disputed domain name incorporates the Complainant's well-known trademarks in their entirety with the prefix "assurance", which does not prevent a finding of confusing similarity. According to the Complainant, the reproduction of its trademarks in the disputed domain name is sufficient to establish confusing similarity.

Second, the Complainant asserts that the Respondent has no trademarks or trade names corresponding to the disputed domain name, the Complainant has never authorized the Respondent to register and/or use any domain names incorporating its trademarks, and it has not granted any license, nor any authorization to use its trademarks. The Complainant claims that the Respondent's use of the disputed domain name does not qualify as a bona fide offering of goods or services, and the Respondent has no rights or legitimate interests to use the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant relies on the priority of its trademarks and their notoriety, and claims that the disputed domain name has been registered in bad faith to generate a likelihood of confusion with its trademarks and domain names. The Complainant also asserts that the passive holding does not prevent a finding of bad faith. The Complainant also contends that the Respondent's concealment of its identity information and

willingness to remain anonymous demonstrate bad faith. Lastly, the Complainant notes that there is currently another UDRP proceeding before the Center between the Parties regarding the domain name <caisse-epargne-protection.com>.

## **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 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, "assurance" and hyphens, may bear on assessment of the second and third elements, the Panel finds the addition of such term and hyphens 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. In particular, the Panel, firstly, considers the apparent similarity between the disputed domain name, the Complainant's CAISSE D'EPARGNE trademarks, and the Complainant's domain names. Secondly, the Panel considers the composition of the disputed domain name, which almost entirely incorporates the Complainant's trademarks with a minor change of removing the letter "d" and the addition of the term "assurance". The Panel accepts that this is a descriptive term in the French language, which means insurance and relates directly to the Complainant's field of activity. Accordingly, the Panel finds that the disputed domain name

carries a risk of implied affiliation with the Complainant and confusion among Internet users. [WIPO Overview 3.0](#), section 2.5.1.

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.

Based on the available record, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Complainant's trademarks predate by decades the registration of the dispute domain name. In addition, the Panel considers the composition of the disputed domain name explained above. Therefore, the Panel finds that the Respondent must have been aware of the Complainant's trademarks when registering the disputed domain name and registered it in bad faith with the intention of targeting the Complainant's trademarks. [WIPO Overview 3.0](#), section 3.2.2.

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 composition of the disputed domain name, the Respondent's failure to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. Accordingly, the Panel 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.

Accordingly, 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 <assurance-caisse-epargne.com> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu/*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: August 26, 2025