ADMINISTRATIVE PANEL DECISION

BPCE v. Huteau Flora
Case No. D2026-2503

1. The Parties

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

The Respondent is Huteau Flora, France.

2. The Domain Name and Registrar

The disputed domain name <banxofrance.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2026. On June 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 17, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on June 17, 2026, providing the registrant and contact information disclosed by the Registrar.

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 June 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 10, 2026.

The Center appointed Emmanuelle Ragot as the sole panelist in this matter on July 15, 2026. 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 société anonyme and the central institution of the Banque Populaire and Caisse d'Epargne banking networks.

The Complainant is the second largest banking group in France and provides banking, financing, and insurance services through its various entities and subsidiaries.

The BPCE group serves approximately 36 million customers, employs approximately 105,000 people, and conducts operations in more than 40 countries worldwide.

The Complainant owns numerous trademarks, among others notably:

– French Trademark Registration No. 4231071 for BANXO, registered on December 3, 2015, in Class 36 (the "Mark").

This trademark registration remains valid and in force and significantly predates the registration of the disputed domain name.

The Complainant uses "Banxo" as the name of the Caisse d'Epargne mobile banking application.

The Complainant provided evidence that a Mail Exchange ("MX") server has been configured under the disputed domain name.

The disputed domain name was registered on April 6, 2026, and did not resolve any active website at the time the Complaint was filed. At the time of this Decision, the disputed domain name similarly does not resolve to any accessible 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 reproduces the Mark, in which it has rights, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark and that the addition of the word "france" after the Mark does not prevent a finding of confusing similarity, as the Mark remains recognizable in the disputed domain name.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and never had any affiliation with the Complainant (which never authorized the Respondent to use the Mark in any manner).

Furthermore, the Complainant contends that the Respondent had knowledge of the Mark and registered the disputed domain name in bad faith and is also using it in bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the Mark is recognizable within the disputed domain name, despite the Mark being followed by the term "france". Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

While the addition of another element here, such as the term "france", may bear on assessment of the second and third elements, the Panel finds the addition of such element does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. WIPO Overview 3.1 section 1.8.

Regarding the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name, it is well established that a gTLD does not generally affect the assessment of a domain name for the purpose of determining identity or confusingly similarity. WIPO Overview 3.1, section 1.11.1.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied with the second element. WIPO Overview 3.1, section 2.1.

Having reviewed the 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 notes the composition of the disputed domain name, being the Mark plus the term "france", and finds that the disputed domain name falsely suggests affiliation with the Complainant, especially noting the Complainant's reputation and operations in France.

Based on the available record, 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 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 3.1, section 3.2.1.

In addition, some UDRP panels have held that in certain circumstances, registrants of domain names have a duty to abstain from registering and using a domain name, which is either identical or confusingly similar to a prior trademark held by others, and which would infringe upon or otherwise violate the rights of a third party. See Policy, paragraph 2(b); *Nike, Inc. v. B. B. de Boer*, WIPO Case No. D2000-1397; *Nuplex Industries Limited v. Nuplex*, WIPO Case No. D2007-0078; Mobile Communication Service Inc. v. WebReg, RN, WIPO Case No. D2005-1304; *BOUYGUES v. Chengzhang, Lu Ciagao*, WIPO Case No. D2007-1325; *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. D2006-0964; and *mVisible Technologies, Inc. v. Navigation Catalyst Systems, Inc*., WIPO Case No. D2007-1141.

The Panel notes the composition of the disputed domain name, especially the addition of the term "france" (the location of the Parties where the Complainant enjoys a particularly strong reputation), the Respondent's failure to submit a Response, and the fact that the Mark predates the disputed domain name by over a decade, and finds that the Respondent's registration and use of the disputed domain name supports a finding of bad faith under the Policy.

The Panel further finds that, in the circumstances of this case, that the passive holding of the disputed domain name does not prevent a finding of bad faith. WIPO Overview 3.1, section 3.3.

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 <banxofrance.com> be transferred to the Complainant.

/Emmanuelle Ragot/
Emmanuelle Ragot
Sole Panelist
Date: July 29, 2026