

ADMINISTRATIVE PANEL DECISION

Natixis v. NTXS Group, Rule M Devoe
Case No. D2022-1013

1. The Parties

The Complainant is Natixis, France, represented by Inlex IP Expertise, France.

The Respondent is NTXS Group, Rule M Devoe, France.

2. The Domain Name and Registrar

The disputed domain name <ntxsgroup.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2022. On March 24, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 2022, 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 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 April 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 30, 2022. After the Notification of Respondent Default, the Center noted that the Registrant information provided at registrar verification differed from the information in the publicly available WhoIs. Therefore, Center requested that the Registrar explain the circumstances of the different registrant information in the public WhoIs for the disputed domain name. The Center also requested that the Registrar confirm the disputed domain name remained under a LOCK status and that it restores the registrant details in the public WhoIs to those reflected in the Registrar verification of March 25, 2022. However, on May 13, 2022, the Registrar explained the discrepancy was due to registrant details incorrectly sent from one of its agents. Consequently, the Center sent a Notice of Registrant Information on May 13, 2022, to the Parties, informing them that concerned Registrar had mistakenly confirmed incorrect


registrant details in its initial Registrar verification in the present case and that the registrant of record was not specified in the Complaint as the Respondent. As such, the Notification of Complaint had not been sent to the Registrant of record, *i.e.* the Respondent. Accordingly, the Complainant was invited to amend the Complaint to reflect Name “NTXS Group, Rule M Devoe” as Registrant. An amended Complaint was received on May 17, 2022, and the Complaint was re notified on May 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 25, 2022.

The Center appointed Elise Dufour as the sole panelist in this matter on July 9, 2022. 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 Natixis, a French multinational financial services firm known internationally, specialized in asset and wealth management, corporate and investment banking, insurance and payments, based in Paris, France, part of the BPCE Group.

The Complainant owns several trademarks composed of the term NATIXIS, including:

- the French trademark NATIXIS, No. 3416315, registered on March 14, 2006 and duly renewed;
- the European Union trademark NATIXIS No. 005129176, registered on June 21, 2007 and duly renewed;
- the International semi-figurative trademark  NATIXIS No.1071008, registered on April 21, 2010:

The Complainant also owns domain names incorporating its trademark NATIXIS, namely:

- <natixis.com>, registered on February 3, 2005; and
- <natixis.fr>, registered on October 20, 2006.

The disputed domain name <ntxsgroup.com> was registered on March 9, 2022.

The disputed domain name currently does not resolve to an active website, and previously resolved to a website mimicking the Complainant’s official website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is confusingly similar to the Complainant’s trademarks; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

(i) The Complainant claims that the disputed domain name is confusingly similar to its well-known and distinctive trademarks and domain names. Indeed, the disputed domain name is composed of a sequence of four consonants NTXS, which can be perceived as a shortened version of the Complainant’s trademark, associated with the generic word “group”.

(ii) The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name: the Complainant has not licensed or otherwise permitted the Respondent to use its trademark NATIXIS. In addition, the Complainant stresses that the disputed domain name leads to website copying the Complainant’s official website, by reproducing the Complainant’s logo, color code, social media links and address.

(iii) Due to the strong reputation and well-known character of the trademark NATIXIS, the Complainant considers that the Respondent could not have ignored the existence of the Complainant's trademark at the time the disputed domain name was registered.

The Complainant also claims that the Respondent's use of the disputed domain name is made in bad faith, as the disputed domain name mimics the Complainant's official website and hence appears to be used to create a confusion in the public's mind and to carry unlawfully activities. In addition, when he registered the disputed domain name, the Respondent indicated an incorrect address. Finally, the Respondent has set up MX Records for the disputed domain name, which are likely to mislead consumers as to the origin of the emails they may receive.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In the absence of a formal Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- 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 disputed domain name; and
- iii) the disputed domain name was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Complainant submitted evidence, which incontestably and conclusively establishes rights in the trademark NATIXIS.

The disputed domain name is confusingly similar to the Complainant's registered trademark NATIXIS since there is a high visual similarity between the dominant element of the disputed domain name and the Complainant's trademark NATIXIS: the sequence "NTXS" can indeed be viewed by the average consumer as a shortened version of the Complainant's trademark.

As per the addition of the generic term "group", it has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name, the mere addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) will not prevent a finding of confusing similarity under the first element of the Policy (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The burden of proof is on the Complainant to demonstrate a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. Once the Complainant has made out a *prima facie* case, the burden of production then shifts to the Respondent, which has then to demonstrate rights or legitimate interests in the disputed domain name.

Based on the submitted evidence, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name: the Respondent is not commonly known under the disputed domain name, nor owns any registered rights on the disputed domain name or has been authorized by the Complainant to use the prior trademarks in any way.

Furthermore, the Respondent did not use the disputed domain name in connection with a *bona fide* offering of goods or services since the disputed domain name resolved to a website imitating the Complainant's official website (Complainant's logo, the Complainant's color code and the Complainant's address).

Such use reflects the absence of any rights or legitimate interests of the Respondent and carries a high risk of implied affiliation (see section 2.5.1 of the [WIPO Overview 3.0](#)).

Noting the above, and in the absence of any Response or allegations from the Respondent, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

With regards to the registration of the disputed domain name, the Panel finds that at the time of the registration of the disputed domain name, the Respondent knew or should have been aware of the existence of the Complainant's trademarks and activities. Indeed, given the fact that the Complainant's trademarks are well-known in the financial sector all around the world and are highly distinctive, the Respondent cannot credibly claim to have been unaware of the existence of the previous trademarks.

For the Panel, the choice of the disputed domain name cannot be a hazard, as it has no meaning. In addition, the fact that, when he registered the disputed domain name, the Respondent indicated an incorrect address is another proof of registration in bad faith.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

As to use of the disputed domain name in bad faith, the Respondent is using the disputed domain name in connection with a website using NATIXIS marks and copying content, graphics and the overall look and feel of NATIXIS official website and purports to offer financial services. For the Panel, the Respondent's intent is obviously to mislead Internet users for commercial gain in order to collect personal banking data or obtain fraudulent payments.

Finally, the Complainant has provided clear evidence that the Respondent has set up MX Records for the disputed domain name. This means that the disputed domain name may also be used or could be used or has been used in the past for email communication and in particular fraudulent emails, such as messages containing spam or used for phishing attempts.

Considering the Complainant's financial activities, the Panel deems that there is a high risk that the disputed domain name may be used for fraudulent activities amounting to bad faith.

Therefore, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

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, <ntxsgroup.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: July 25, 2022