

ADMINISTRATIVE PANEL DECISION

Compagnie Française d'Assurance pour le Commerce Extérieur (Coface) v.
Domain Is For Sale At www.dan.com ---- c/o Dynadot
Case No. D2022-1045

1. The Parties

The Complainant is Compagnie Française d'Assurance pour le Commerce Extérieur (Coface), France, represented by Cabinet Regimbeau, France.

The Respondent is Domain Is For Sale At www.dan.com ---- c/o Dynadot, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <cofaceicon.com> is registered with Dynadot, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 25, 2022. On March 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 29, 2022, 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 March 31, 2022 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 the same March 31, 2022.

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 April 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 26, 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 a French company specialized in credit insurance protection and credit management services in existence for over 75 years presently counting with an international presence in approximately 100 countries.

It is the owner of the domain name <coface.com>, created on December 17, 1996 (Annex 6 to the Amended Complaint), as well as of the following, amongst other, trademark registrations (Annex 5 to the Amended Complaint):

- French trademark registration No. 96656978 for COFACE and device, registered on December 24, 1996, subsequently renewed, in classes 35, 36 and 41;
- International trademark registration No. 678577 for COFACE, registered on June 10, 1997, subsequently renewed, in classes 35 and 36;
- United States trademark registration No. 2692512 for COFACE, registered on March 4, 2003, subsequently renewed, in classes 35 and 36; and
- United States trademark application No. 97076932 for COFACE ICON, filed on October 15, 2021, in classes 35 and 36.

The disputed domain name was registered on October 19, 2021. Presently it resolves to a parked webpage offering the disputed domain name for sale for USD 25,000.

According to the evidence on record, the Complainant tried to purchase the disputed domain name in January 2022 when it was being offered for sale for USD 1,288 (Annex 4 to the Amended Complaint) but the transaction ended up being unsuccessful given that the disputed domain name was transferred to a different owner who then started offering it for USD 25,000 (Annex 4 to the Amended Complaint).

5. Parties' Contentions

A. Complainant

The Complainant asserts to have become a worldwide reference in credit insurance and risk management in the global economy rendering its services to around 50,000 companies directly or via strategic partnerships in 100 countries covering approximately 200 countries around the world, having its COFACE trademark become well known, as recognized by past panels (*Compagnie Française d'Assurance pour le Commerce Extérieur v. Mehmet Cenk Ceylan*; WIPO Case No. [D2018-0889](#)).

Under the Complainant's view the disputed domain name incorporates the Complainant's COFACE and COFACE ICON trademarks in their entirety and are therefore confusingly similar therewith.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- (i) the Respondent has no connection with the Complainant in any way; not being an authorized dealer, distributor or licensee of the Complainant and has not otherwise been permitted by the Complainant to make any use of its prior rights, not having been authorized or licensed to use the Complainant's trademark in any

way;

(ii) the Respondent has no prior rights over “coface” and/or “coface icon”, not being commonly known by the disputed domain name as an individual, business or other organization; and

(iii) the Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services given that the disputed domain name has been used in connection with a parked webpage offering the disputed domain name for sale for an excessive price.

As to the registration and use of the disputed domain name in bad faith the Complainant states that:

(i) the Complainant’s trademark is well known and enjoys a great reputation, so that the Respondent was not able to ignore it when registering the disputed domain name and thus it being obvious that the Respondent is intentionally attempting to take advantage of the well-known character of the Complainant’s trademark in order to sell the disputed domain name for an excessive price;

(ii) the Complainant’s worldwide reputation and presence on the Internet, indicates that, at the time of registration of the disputed domain name, the Respondent knew, or at least should have known, the existence of the Complainant’s trademarks, characterizing the registration of the disputed domain name containing a well-known trademark as bad faith *per se*;

(iii) the Respondent’s choice to retain a privacy protection service is a further indication of the Respondent’s bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

(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 has been registered and is being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

A. Identical or Confusingly Similar

The Complainant has established rights over the COFACE and COFACE ICON trademarks.

The disputed domain name reproduces the Complainant’s COFACE and COFACE ICON prior trademarks in their entirety and are therefore confusing similarity therewith under the Policy which, as recognized by past UDRP panels, involves a “comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name” (WIPO Overview of

WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7).

For the reasons above, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademarks.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate the Respondent’s rights or legitimate interests in the disputed domain name. These circumstances are:

- (i) before any notice of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain name. This entitles the Panel to draw any inferences from such default as it considers appropriate, pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make at least a *prima facie* case against the Respondent under the second UDRP element.

In that sense, and according to the evidence submitted, the Complainant has made a *prima facie* case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and there is no connection or affiliation between the Complainant and the Respondent, not being the Respondent an authorized dealer, distributor or licensee of the Complainant. Also, the Complainant indeed states that the Respondent and has not otherwise been permitted to make any use of the Complainant’s prior rights, not having been authorized or licensed to use the Complainant’s trademark in any way.

Also according to the evidence submitted by the Complainant, the use made of the disputed domain name, in connection with a parked webpage offering the disputed domain name for sale for USD 25,000 does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the disputed domain name that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain name, corroborate with the Panel’s finding of the absence of rights or legitimate interests.

Moreover, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

The second element of the Policy has therefore been established.

C. Registered and Used in Bad Faith

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith ([WIPO Overview 3.0](#), section 3.1.4)

In light of the Respondent's lack of rights or legitimate interests in the disputed domain name, the nature of the disputed domain name, and the Respondent's offer of the disputed domain name for USD 25,000, the Respondent's conduct has to be considered, in this Panel's view, as bad faith registration and use of the disputed domain name.

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 <cofaceicon.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: May 10, 2022