

## **ADMINISTRATIVE PANEL DECISION**

### **Natixis v. Privacy Service Provided by Withheld for Privacy / Ben Dominic Case No. D2022-1093**

#### **1. The Parties**

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

The Respondent is Privacy Service Provided by Withheld for Privacy, Iceland / Ben Dominic, Nigeria.

#### **2. The Domain Name and Registrar**

The disputed domain name <natixistrading.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 30, 2022. On March 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 31, 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 April 11, 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 April 15, 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 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 30, 2022.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on June 15, 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 multinational financial services firm specialized in asset and wealth, management, corporate and investment banking, insurance, and payments.

The Complainant owns several French, European Union, and International trademarks registered since 2006, composed of the term NATIXIS including:

- French Trademark registration NATIXIS No. 3416315, filed on March 14, 2006;
- European Union Trade Mark registration NATIXIS No. 5129176, registered on June 21, 2007; and
- International Trademark registration  NATIXIS No. 1071008, registered on April 21, 2010.

The Complainant also owns the following domain names: <natixis.com> registered on February 3, 2005, and <natixis.fr> registered on October 20, 2006.

The Disputed Domain Name was registered on March 25, 2022, and resolved to a pay-per-click ("PPC") website containing links related to the Complainant's activities.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant widely uses the NATIXIS trademarks in connection with banking and financial services, and the NATIXIS mark is well-known in France, European Union, and internationally. NATIXIS has no meaning and is a highly distinctive mark.

A Google search for the sign NATIXIS gives 6,170,000 results but Complainant's website appears first. With more than 16,000 employees in 36 countries, Complainant is the corporate, investment, and financial services arm of BPCE Group, France's second-largest banking player. Natixis received the Latin America MLA of the Year Award on July 13, 2020 as part of the 2019 IJGlobal Awards, which celebrates best-in-class transactions and organizations across the international infrastructure and energy sectors executed in the past year. The yearly Euromoney Fixed Income Research Survey, which polls more than 1,500 fund managers and investors worldwide, has ranked Natixis No. 4 for European Fixed Income Research.

Natixis ranks first bookrunner for syndicated real-estate finance loans in the EMEA region in 2017, according to Dealogic (EMEA Real Estate Loans Report, Full-year 2017). Natixis is also leader in equity research in France in 2017 (source: Thomson Reuters Analyst Awards 2017) and at the first place in impact management (source: Finansol "Zoom sur la finance solidaire", 2015 edition based on solidarity-based assets at end-December 2014). The French Association of Financial Management (AFG) also awarded Natixis as number one account keeper for employee savings, in 2015 and according to Thomson Reuters Global Project Finance Review, Natixis was number one bookrunner for project finance.

The Disputed Domain Name is composed of the Complainant's trademark NATIXIS placed in leading position associated with the word "trading". The word "trading" is directly descriptive of the activity of the Complainant. As a major player in the European equity derivatives market, Natixis offers its clients expertise and trading capability on a global scale. It is obvious that the public will think that the Disputed Domain Name belongs to the Complainant.

The Respondent has no rights, including trademark rights, in respect of the name NATIXIS nor has the Respondent filed or registered a trademark for “natixistrading”. There is no business or legal relationship between the Complainant and the Respondent. The Complainant has neither authorized nor licensed the Respondent to use its trademarks in any way.

The Disputed Domain Name points to a parking page reproducing the Complainant’s trademark NATIXIS and displaying PPC links.

When registering the Disputed Domain Name, the Respondent employed a privacy service in order to hide its identity and to avoid being notified of a UDRP proceeding, this is an inference of bad faith.

The disputed domain name has been registered with the aim of taking advantage of the well-known trademarks NATIXIS of the Complainant. It is obvious that the Disputed Domain Name has been registered for commercial purpose in order to mislead consumers and, in all likelihood, for diverting the Complainant’s consumers. The Respondent takes advantage of the well-known trademarks NATIXIS to earn money with clicks and displays PPC links related to “Gestion” (asset management), “Natixis”, “Fonds” (Funds).

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. This can cause significant damages to the Complainant which operates in the banking field, as the emails received from consumers could serve the Respondent to fraudulently collect personal data through phishing campaigns.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated it owns registered trademark rights in the NATIXIS trademark in various jurisdictions. The addition of the term “trading” does not prevent a finding of confusing similarity as the Complainant’s NATIXIS mark is clearly recognizable in the Disputed Domain Name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. That the Respondent has not at any time been commonly known by the Disputed Domain Name and is not making a legitimate noncommercial or fair use of the Disputed Domain Name. The Complainant has also evidenced that the Respondent is using the Disputed Domain Name to direct Internet users seeking to find the Complainant’s website to a parking page containing ads competing with or capitalizing on the reputation and goodwill of the NATIXIS trademark that generate click-through revenue for the Respondent.

After a complainant has made a *prima facie* case, the burden of production shifts to the respondent to present evidence demonstrating rights or legitimate interests in the Disputed Domain Name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

Accordingly, the Panel finds that the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Disputed Domain Name was registered years after the Complainant first registered and used its NATIXIS Mark. The evidence provided by the Complainant makes it clear the Respondent undoubtedly knew of the Complainant's widely-known NATIXIS mark, and knew that it had no rights or legitimate interests in the Disputed Domain Name.

There is no benign reason for the Respondent to have registered this Disputed Domain Name that is confusingly similar to the Complainant's mark.

Currently, the Disputed Domain Name resolves to a landing page with PPC links to search terms related to the Complainant's and its services. See section 3.5 of the [WIPO Overview 3.0](#). Furthermore, Complainant has submitted evidence that a privacy protection service has been employed in the registration of the Disputed Domain Name. This fact, in conjunction with the PPC links on the aforementioned landing page, is indicative of the Respondent's bad faith. By using the Disputed Domain Name in this way the Respondent has attempted to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

The Panel finds that the only plausible basis for registering and using the Disputed Domain Name have been in bad faith.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

### **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 <natixistrading.com> be transferred to the Complainant.

*/Colin O'Brien/*

**Colin O'Brien**

Sole Panelist

Date: June 29, 2022