

ADMINISTRATIVE PANEL DECISION

Confederation Nationale du Credit Mutuel - CNCM v. Privacy Service
Provided by Withheld for Privacy ehf / omoba frank, shipping
Case No. D2022-2728

1. The Parties

The Complainant is Confederation Nationale du Credit Mutuel - CNCM, France, represented by MEYER & Partenaires, France.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / omoba frank, shipping, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cremutbk.com> (the "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 July 26, 2022. On July 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same date, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 27, 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 amendment to the Complaint on August 1, 2022. In response to the Center's email regarding the size of Annexes to the Complaint, the Complainant re-submitted the Annexes to the Complaint on August 5, 2022.

The Center verified that the Complaint together with the amendment to 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 August 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 5, 2022.

The Center appointed Dawn Osborne as the sole panelist in this matter on September 12, 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 the political and central body of the Credit Mutuel banking group, which is one of the largest French banking and insurance services groups. The Complainant owns registered trade marks for its CREDIT MUTUEL mark in France and the European Union including the following:

- CRÉDIT MUTUEL (word) , European Union trademark n° 18130616, registered on September 2, 2020, in classes 7, 9, 16, 35, 36, 38, 41 and 45;
- CRÉDIT MUTUEL (semi-figurative), European Union trademark n° 16130403, registered on June 1, 2017, in classes 7, 9, 16, 35, 36, 38, 41 and 45;
- CRÉDIT MUTUEL (semi-figurative), European Union trademark n° 18130619, registered on May 22, 2020, in classes 7, 9, 16, 35, 36, 38, 41 and 45;
- CRÉDIT MUTUEL (semi-figurative), French trademark n° 1475940, filed on July 8, 1988, duly renewed, in classes 35 and 36;
- CRÉDIT MUTUEL (semi-figurative), French trademark n° 1646012, filed on November 20, 1990, duly renewed, in classes 16, 35, 36, 38 and 41.

The Domain Name was registered on June 7, 2022, and it has been used for a site purporting to offer banking and financial services using the Complainant's trade mark in its logo form as a masthead.

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarised as follows:

The Complainant owns registered trade marks for its CRÉDIT MUTUEL mark in France and the European Union as set out above, first in time being 1988.

The Domain Name registered in 2022 is confusingly similar to the Complainant's mark because it consists of a shortened form of the Complainant's mark, adding the letters "bk" commonly used as an abbreviation for "bank" and the generic Top-Level Domain ("gTLD") ".com" which is insufficient to mitigate this confusing similarity.

The Respondent has no licence or authorisation to use the Complainant's mark and is not commonly known by the Complainant's mark or the Domain Name. The Respondent has used the Domain Name to impersonate the Complainant by using the Complainant's mark in its logo form as a masthead for a site purporting to offer financial services in order to obtain the Complainant's customers' confidential information by means of log in credentials. The website has false contact details, does not exhibit the legal and regulatory notices required for legitimate banking websites and has copied its text from third party publicly available websites, all evidence that the site is not legitimate. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods and services or a legitimate noncommercial or fair use. The Respondent's fraudulent and illegal activity demonstrates the Respondent's lack of rights and

legitimate interests in the Domain Name.

The Respondent has registered and used the Domain Name to redirect Internet users to a website impersonating the Complainant in order to confuse users into believing the Respondent's website is affiliated or associated with the Complainant for fraudulent purposes showing actual knowledge of the Complainant and its business. The Domain Name has been registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name consists of "cremut", an abbreviation and sign confusingly similar to the Complainant's CRÉDIT MUTUAL mark (which is registered, *inter alia*, in France for financial services since 1988), the abbreviation "bk" commonly used to mean "bank", and the gTLD ".com".

The Panel agrees that the shortening of the Complainant's CRÉDIT MUTUAL mark to "cremut" and the addition of the abbreviation "bk" meaning "bank" and the gTLD ".com" does not prevent confusing similarity between the Domain Name and the Complainant's trade mark, which is still recognisable in the Domain Name.

Moreover, the Panel has taken note that the content of the website associated with the Domain Name, which displays the Complainant's mark in its logo form and purportedly offers banking and finance services, confirms such confusing similarity because the Respondent appears to seek to target the Complainant's CRÉDIT MUTUAL mark through the Domain Name. See section 1.15 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the Panel holds that the Domain Name is confusingly similar for the purpose of the Policy to the CRÉDIT MUTUAL mark in which the Complainant has rights.

As such the Panel holds that paragraph 4 (a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Complainant has not authorised the use of its mark to the Respondent. There is no evidence or reason to suggest the Respondent is, in fact, commonly known by the Domain Name. The use of the Domain Name is commercial so cannot be legitimate noncommercial or fair use.

The Respondent has used the Domain Name to purport to offer competing services not connected with the Complainant using the Complainant's mark and logo as a masthead to impersonate the Complainant. It appears that personal information of consumers is being collected on the site. The Panel finds this use deceptive and confusing. As such, it cannot amount to the *bona fide* offering of goods and services.

The website has false contact details, does not exhibit the legal and regulatory notices required for legitimate banking websites and has copied its text from third party publicly available websites all which suggests the site is not legitimate.

The Respondent has not answered this Complaint or offered any explanation.

As such, the Panel finds that the Respondent does not have rights or a legitimate interest in the Domain Name and that the Complainant has satisfied the second limb of the Policy.

C. Registered and Used in Bad Faith

In the opinion of the Panel, the use made of the Domain Name in relation to the Respondent's site is deceptive and disruptive in that visitors to the site might reasonably believe it is connected to or approved by the Complainant as it purports to offer competing services under the Complainant's mark and logo as a masthead. The use of the Complainant's mark and logo shows that the Respondent is aware of the Complainant and its rights, business and services.

Accordingly, the Panel holds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the website and services offered on it likely to disrupt the business of the Complainant.

Further, the collection of personal data and impersonation of a bank suggests the primary purpose of the Respondent's deceptive behaviour is likely to be phishing, which is bad faith *per se*.

The website has false contact details, does not exhibit the legal and regulatory notices required for legitimate banking websites and has copied its text from third party publicly available websites, all which also suggests bad faith.

As such, the Panel holds that the Complainant has made out its case that the Domain Name was registered and is being used in bad faith and has satisfied the third limb of the Policy, under paragraphs 4(b)(iv) and 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 Domain Name <cremutbk.com> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: September 23, 2022