

ADMINISTRATIVE PANEL DECISION

Oney Bank v. Lu Zhi Tao

Case No. D2022-3061

1. The Parties

The Complainant is Oney Bank, France, represented by SafeBrands, France.

The Respondent is Lu Zhi Tao, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2022. On August 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 23, 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 August 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 15, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on September 29, 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 founded in 1983 specialized in consumer credit, electronic payments and payment card management. It has a portfolio of some 10 million customers in 12 countries. It operated in China until 2019.

The Complainant is the proprietor of a substantial number of registered trademarks comprising ONEY, including International trademark number 865742 ONEY, registered on August 11, 2005, designating a number of territories including China, and European Union Trade Mark number 004579561 ONEY, registered on April 26, 2007.

The Complainant is also the owner of a number of domain names incorporating its ONEY trademark and operates a website promoting its services at “www.oney.com”.

The Domain Name was registered on May 19, 2022, and resolves to a website comprising numerous pornographic images and links to other pornography websites and gaming/gambling websites.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its ONEY trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in its ONEY trademarks, both by virtue of its many trademark registrations around the world and as a result of the goodwill and reputation acquired through its widespread use of the mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the Complainant's ONEY word mark together with the word “you”. In the Panel's view, the addition of this word does not detract from the confusing similarity between the Domain Name and the Complainant's mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. There is no evidence that the Respondent has ever been known by the Domain Name. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services but for a webpage comprising numerous pornographic images and pay-per-click links to other pornography websites and gaming/gambling websites.

The Respondent has never been licensed or otherwise authorized by the Complainant to use its ONEY trademarks.

The Respondent has chosen not to respond to the Complaint to explain his use of the Domain Name or to take any other steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

Although the Complainant ceased operating in China in 2019, in light of the distinctive nature of the ONEY mark for banking and financial related products and services, and its incorporation into the Domain Name with the addition of the English word “you”, the Panel considers on balance that the Respondent is likely to have had the Complainant and its rights in the ONEY mark in mind when it registered the Domain Name. Accordingly, in the Panel’s view, the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant’s rights in the mark, by confusing Internet users into believing that the Domain Name is being operated by or authorized by the Complainant for legitimate purposes related to the Complainant’s activities. The association between the Complainant’s ONEY mark and pornographic content also inevitably tarnishes the Complainant’s mark.

In the circumstances, the Panel finds that the 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 Domain Name <oneyou.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: October 13, 2022