

## **ADMINISTRATIVE PANEL DECISION**

Confederation Nationale Du Credit Mutuel - CNCM v. Jder Isow  
Case No. D2022-3817

### **1. The Parties**

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

The Respondent is Jder Isow, Ireland.

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

The disputed domain name <creditmutuel.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 12, 2022. On October 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 13, 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 (Privacy service provided by Withheld for Privacy ehf). The Center sent an email communication to the Complainant on October 17, 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 October 23, 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 October 24, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 23, 2022.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on December 5, 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 leading banking services group. The Complainant owns trademark registrations for CREDIT MUTUEL such as:

- French registration No. 1475940, registered on July 8, 1988;
- French registration No. 1646012, registered on November 20, 1990;
- European Union trademark No. 16130403, CRÉDIT MUTUEL (semi-figurative) registered on June 1, 2017.

The Complainant's trademarks has been recognized as well known by UDRP panels.

The disputed domain name was registered on September 13, 2022, and redirects to the Complainant's website at "www.creditmutuel.fr".

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or at least confusingly similar to a trademark in which the Complainant has rights. The disputed domain name incorporates the trademark of the Complainant replacing "e" with "a". The misspelling does not eliminate confusing similarity but on the contrary is an act of typosquatting. The generic Top-Level Domain ("gTLD") ".com" should be ignored.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with nor licensed by the Complainant. The Respondent is not known by the trademark CREDIT MUTUEL. The disputed domain name redirects to the Complainant's website. Such act does not constitute rights or legitimate interest. There is no legitimate commercial use nor a *bona fide* offering of goods or services.

The Complainant contends that the disputed domain name is registered and is being used in bad faith. The Complainant's trademark is well known. Prior UDRP panels have found that the notoriety of a complainant's trademark creates a *prima facie* presumption that the domain name was registered with the aim of selling it or attracting users for commercial gain by creating the likelihood of confusion. The Respondent must have been aware of the Complainant's trademark and the registration of the disputed domain name has been made in bad faith. This is a case of typosquatting, which is further evidence of bad faith as it aims to attract Internet users for commercial gain. Redirecting to the Complainant's website is also evidence that the Respondent was aware of the Complainant's trademark. Another evidence on bad faith under the circumstances is the use of privacy services. Redirecting to Complainant's website is bad faith use. Currently, the disputed domain name resolves to an empty page, which is passive holding.

##### **B. Respondent**

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Complainant owns trademark registrations for CREDIT MUTUEL. The Panel is satisfied that the Complainant has established its ownership of the trademark CREDIT MUTUEL.

The disputed domain name incorporates the Complainant's trademark with a typo replacing the letter "e" with "a". This is a typical case of typosquatting, which is designed to confuse users (*Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#)). The gTLD ".com" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is identical or confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name and that the Respondent is not licensed by the Complainant nor affiliated with it. The Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The Respondent has not provided any evidence to show that it has any rights or legitimate interests in the disputed domain name. Given the typosquatting nature of the disputed domain name, the construction of the disputed domain name is likely to mislead or cause confusion, which was likely the intent of the Respondent when registering such typosquatting domain name, which cannot amount to fair use nor confer rights or legitimate interests upon the Respondent. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

Typosquatting may be an indication of bad faith (*ESPN, Inc v. XC2*, WIPO Case No. [D2005-0444](#)) and the Complainant's trademark is well known. In the present case, the typosquatting indicates that the Respondent was aware of the Complainant's trademark and has replaced the letters "e" with "a" in order to confuse Internet users and attract Internet traffic.

It was not possible for the Panel to ascertain whether the disputed domain name redirects to the Complainant's website. When the Panel attempted to access the disputed domain name, it resolved to an inactive website. Prior UDRP panels have found that passive holding does not prevent a finding of confusing similarity if the totality of circumstances supports an inference of bad faith. See section 3.3 of the [WIPO Overview 3.0](#). Noting the Respondent's failure to provide any good-faith explanation for his registration and use of the disputed domain name, the well-known nature of the Complainant's trademark and the absence of a plausible use of the disputed domain name that would be legitimate (*Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#)), the Panel finds that the current passive holding of the disputed domain name does not prevent the Panel's bad faith finding.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## 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, <creditmutuel.com>, be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: December 19, 2022