

## **ADMINISTRATIVE PANEL DECISION**

Caisse Nationale d'Allocations Familiales (CNAF) v. koss omok  
Case No. D2022-3993

### **1. The Parties**

The Complainant is Caisse Nationale d'Allocations Familiales (CNAF), France, represented by Clairmont Novus Avocats, France.

The Respondent is koss omok, France.

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

The disputed domain name <caf-aider.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 25, 2022. On October 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 25, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 26, 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 26, 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 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 17, 2022.

The Center appointed Jane Seager as the sole panelist in this matter on November 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**

Established in 1945, the Complainant is a French national public authority responsible for family benefits.

The Complainant is the owner of a number of trademark registrations for CAF, including:

- French Trademark No. 1718238, CAF, registered on October 26, 1989; and
- French Trademark No. 3687052, CAF, registered on October 28, 2009.

The Complainant is also the registrant of the domain name <caf.fr>, from which it operates a public-facing website.

The disputed domain name was registered on September 17, 2022. The disputed domain name previously resolved to a website (the “Respondent’s website”) that reproduced the contents of the Complainant’s website, inviting Internet users to log into their account by providing their French social security number and password. The Respondent’s website included hyperlinks to the Complainant’s official website.

On September 29, 2022, the Complainant sent a notice to the Respondent and the Registrar putting the Respondent on notice of the Complainant’s rights and requesting, *inter alia*, transfer of the disputed domain name. The Respondent did not reply to the Complainant’s request.

At the time of this decision, the disputed domain name resolves to a parking page stating “This Account has been suspended.”

#### **5. Parties’ Contentions**

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

The Complainant asserts rights in the CAF trademark. The Complainant submits that the disputed domain name is confusingly similar to the CAF trademark, as it incorporates the Complainant’s trademark as a whole, together with the French term “aider”, meaning “help” in English, which is descriptive of the Complainant’s activities.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that it has never authorized the Respondent to make use of the Complainant’s CAF trademark, and that the Respondent’s use of the disputed domain name is likely fraudulent in nature.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that the Respondent registered the disputed domain name with knowledge of the Complainant and its rights in the CAF trademark. The Complainant notes that the disputed domain name resolves to a website that reproduces the contents of the Complainant’s official website, and submits that such use disrupts the Complainant’s operations and is likely to lead to misuse of user information. The Complainant asserts that the Respondent’s website was created in order to engage in financial fraud or for misappropriation of personal data.

The Complainant requests transfer of the disputed domain name.

## B. Respondent

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

## 6. Discussion and Findings

In order to prevail, the Complainant must demonstrate, on the balance of probabilities, that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights in the CAF trademark, the registration details of which are set out in the factual background above.

The disputed domain name comprises the Complainant's CAF trademark as its leading element, followed by a hyphen, and the French term "aider" meaning "help" in English. The Panel finds that the additions of a hyphen and the term "aider" do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's CAF trademark, which remains clearly recognizable in the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. See also *Caisse Nationale des Allocations Familiales v. Domain Administrator, Fundacion Private Whois*, WIPO Case No. [D2014-1269](#).

The generic Top-Level Domain ".com" may be disregarded for purposes of comparison under the first element. See [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the disputed domain name to be confusingly similar to the Complainant's CAF trademark. The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

According to screen captures submitted in evidence by the Complainant, the disputed domain name previously resolved to a website that had the appearance of being a website operated by the Complainant, inviting Internet users to "log in" by providing their French social security number and password. As noted above, the Complainant has never granted any authorization to the Respondent for it to make use of the Complainant's trademark in a domain name or otherwise, nor is there any relationship between the Parties.

The Respondent appears to have made use of the disputed domain name in an attempt to impersonate the Complainant, with a view to misleading Internet users into disclosing personal identifying information. Prior UDRP panels have categorically held that the use of a domain name for illegal activity, such as phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13. The Panel finds that the Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services as contemplated by paragraph 4(c)(i) of the Policy.

There is no evidence on record to suggest that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy, nor does the Respondent's use of the disputed domain name as described above give rise to any claim of legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy.

For reasons set out above, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

It is clear from the contents of the Respondent's website that the Respondent was well aware of the Complainant and its rights in the CAF trademark when registering the disputed domain name. In light of the Respondent's use of the disputed domain name to create a website that sought to impersonate the Complainant in what appears to be an attempt to obtain personal identifying information from French members of the public, the Panel finds that the Respondent registered the disputed domain name in order to create a misleading impression of association with the Complainant, in bad faith. The Respondent's registration of the disputed domain name behind a privacy service, coupled with what appears to be the provision of false or incomplete underlying registrant information, further evidences the Respondent's bad faith. See [WIPO Overview 3.0](#), section 3.6.

Prior UDRP panels have held that given that use of a domain name for *per se* illegitimate activity such as phishing or impersonation can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. See [WIPO Overview 3.0](#), section 3.1.4. The Panel finds that the Respondent's use of the disputed domain name to impersonate the Complainant, as described above, amounts to use in bad faith for purposes of paragraph 4(a)(iii) of the Policy. The fact that the disputed domain name no longer resolves to an active website does not materially affect the Panel's findings regarding the Respondent's bad faith use of the disputed domain name.

The Panel finds that the disputed domain name was registered and is being used in bad faith. The Complainant has satisfied the requirements of 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 <caf-aider.com> be transferred to the Complainant.

*/Jane Seager/*

**Jane Seager**

Sole Panelist

Date: December 20, 2022