

## ADMINISTRATIVE PANEL DECISION

Confederation Nationale du Credit Mutuel v. rachet julien jean, kamtech / julien jean, A.c.t.e  
Case No. D2024-2320

### 1. The Parties

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

The Respondent is rachet julien jean, kamtech / julien jean, A.c.t.e, France.

### 2. The Domain Name and Registrar

The disputed domain names <credit-acd-mutuel.com>, <creditacdmutuel.com>, <creditmutuel-acd.com>, <creditmutuelacd.com>, <credit-mutuel-acde.com>, <credit-mutuel-acde.net>, <credit-mutuel-acds.com>, <creditmutuelagde.com>, <credit-mutuel-demande.com>, <creditmutueldemande.com>, <demande-credit-mutuel.net>, <demande-credit-mutuelpnet.com>, <mutuel-credit-asl.com>, <mutuelcreditasl.com>, <mutuelcredit-cds.com>, <mutuelcreditcds.com>, <mutuel-credit-demande.com>, and <mutuelcreditdemande.com> are registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 6, 2024. On June 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 10, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Contact Privacy Inc. Customer 7151571251 and REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 2024, 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 June 17, 2024.

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 June 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 16, 2024.

The Center appointed Elise Dufour as the sole panelist in this matter on July 26, 2024. 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, Confédération Nationale du Crédit Mutuel, is the political and central body for the banking group CREDIT MUTUEL, which is the second French banking and insurance services group, providing its services to 12 million clients for more than a century. It operates a number of web portals including web portals at "www.creditmutuel.com" and "www.creditmutuel.fr" that offer online banking services.

The Complainant owns several trademark registrations including the following trademarks:

- CREDIT MUTUEL, French semi-figurative trademark No. 1475940 with a registration date of July 8, 1988, duly renewed, in classes 35 and 36;
- CREDIT MUTUEL, French semi-figurative trademark No. 1646012 with a registration date of November 20, 1990, duly renewed, in classes 16, 35, 36, 38 and 41;

The Complainant is also the holder of many domain names incorporating the trademark CREDIT MUTUEL such as <creditmutuel.com>, registered on October 28, 1995.

The Complainant claims that the trademark CREDIT MUTUEL has been recognized as well known by previous UDRP decisions. In addition, the French Ministry issued Order No. 58-966 reserving the use of the tradename "Credit Mutuel" to Complainant and its affiliates.

The disputed domain names are the following ones:

| Disputed Domain Name        | Registration Date | Present Use   |
|-----------------------------|-------------------|---|
| <credit-acd-mutuel.com>     | April 29, 2024    | Blocked website showing a warning notice for dangerous content  |
| <credit-mutuel-acde.com>    | April 24, 2024    | Blocked website showing a warning notice for dangerous content  |
| <credit-mutuel-acde.net>    | May 3, 2024       | Blocked website showing a warning notice for suspicious content |
| <credit-mutuel-acds.com>    | April 24, 2024    | Inactive webpage  |
| <credit-mutuel-demande.com> | May 15, 2024      | Blocked website showing a warning notice for dangerous content  |
| <creditacdmutuel.com>       | April 29, 2024    | Blocked website showing a warning notice for dangerous content  |
| <creditmutuel-acd.com>      | April 22, 2024    | Blocked website showing a warning notice for dangerous content  |

|                                |                |   |
|--------------------------------|----------------|---|
| <creditmutuelacd.com>          | April 22, 2024 | Blocked website showing a warning notice for suspicious content |
| <creditmutuelagde.com>         | May 3, 2024    | Blocked website showing a warning notice for dangerous content  |
| <creditmutueldemande.com>      | May 15, 2024   | Blocked website showing a warning notice for dangerous content  |
| <demande-credit-mutuel.net>    | May 30, 2024   | Inactive webpage  |
| <demande-credit-mutuelnet.com> | May 30, 2024   | Inactive webpage  |
| <mutuel-credit-asl.com>        | May 10, 2024   | Blocked website showing a warning notice for dangerous content  |
| <mutuel-credit-demande.com>    | May 21, 2024   | Blocked website showing a warning notice for dangerous content  |
| <mutuelcredit-cds.com>         | May 8, 2024    | Blocked website showing a warning notice for dangerous content  |
| <mutuelcreditasl.com>          | May 10, 2024   | Blocked website showing a warning notice for dangerous content  |
| <mutuelcreditcds.com>          | May 8, 2024    | Blocked website showing a warning notice for dangerous content  |
| <mutuelcreditdemande.com>      | May 21, 2024   | Blocked website showing a warning notice for dangerous content  |

According to the evidence provided by the Complainant the disputed domain names redirect to either inactive webpages or webpages displaying a warning message about the security of the concerned domain name.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that (i) the disputed domain names are confusingly similar to the Complainant's trademarks; (ii) the Respondents have no rights or legitimate interests in the disputed domain names; and (iii) the Respondents registered and are using the disputed domain names in bad faith.

(i) The Complainant asserts that the CREDIT MUTUEL trademark has been recognized as well known in past UDRP cases and reminds that, according to the French ministry order No. 58-966 of October 16, 1958, the use of the wording CREDIT MUTUEL is reserved to CONFEDERATION NATIONALE DU CREDIT MUTUEL and to its related branches. For the Complainant, the trademark CREDIT MUTUEL is confusingly similar to the disputed domain names. The trademark CREDIT MUTUEL is entirely reproduced in the disputed domain names, the only differences being the addition to the trademark of one or more generic words or acronyms. For the Complainant, the words or acronyms or combinations of one and the other included in the disputed domain names, "acd", "acde", "acds" (referring to the ACD group in which the Complainant has invested), "demande" (meaning request in French), "agde" (referring to the French city of Agde), "asl" (referring to a free trade union association) or "cds" (referring to Credit Default Swap) does not prevent a finding of confusing similarity with the trademark CREDIT MUTUEL.

(ii) The Respondents are individuals using the Complainant's trademark CREDIT MUTUEL without license or authorization and not having any business relations with the Complainant. The Respondents are not commonly known under the wording "CREDIT MUTUEL" or any combination used in the domain names. The Respondents as disclosed by the Registrar are unknown to the Complainant and the addresses used to register the disputed domain names appear to be false. Further, the websites under the disputed domain names are pointing to webpages on which it is mentioned that the websites associated to the disputed domain names might be dangerous. For the Complainant, the non-use of the disputed domain names is neither a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

(iii) Due to the strong reputation and well-known character of the trademark CREDIT MUTUEL, the Complainant considers that the Respondents could not have ignored the existence of the Complainant's trademark at the time the disputed domain names were registered. In addition, for the Complainant, the fact that the Respondents used a Whois proxy service with the purpose of not being identified or contacted is proof of registration in bad faith. In addition, the postal address and general information of the Respondents are false in order to avoid liability which is another evidence of the bad faith of the Respondents in the registration of the domain names.

The Complainant also claims that the Respondents' use of the disputed domain names constitutes bad faith use. Indeed, the browser has blocked the pages to which the disputed domain names resolve because they could lead Internet users to perform dangerous actions such as installing software or revealing personal information such as passwords or credit card numbers. The browser therefore blocked these websites to avoid phishing schemes against the Complainant, which is per se an indication of bad faith. In addition, the passive holding of the disputed domain names amounts to bad faith inasmuch as: the disputed domain names are willingly reproducing Complainant's well-known trademark CREDIT MUTUEL; the Respondents have used a proxy service to conceal their identities; and it is implausible that the disputed domain names might be used in good faith.

The Complainant requests the transfer of the disputed domain names.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Consolidation due to multitude of Respondents and disputed domain names**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain names registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names' registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

First, the Panel notes that the disputed domain names are built on the same pattern. Second, there are various similarities in Respondents' Whois contact information, for example, all Respondents are allegedly located in France (the addresses mentioned do not exist) and the same registrant email address is used as point of contact. Finally, all disputed domain names have been registered through the same Registrar as well as in a direct temporal link to one another.

Therefore, it is clear that the disputed domain names are subject to some kind of common control which is why it is also fair and equitable to all Parties that this Complaint is consolidated against multiple Respondents and disputed domain names at the same time (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))), section 4.11.2).

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain names registrants (referred to below as "the Respondent") in a single proceeding.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's CREDIT MUTUEL trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

The Panel finds the entirety of the Complainant's CREDIT MUTUEL trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to this trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (here, "acd", "acde", "acds", "demande", "agde", "asl" or "cde") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's CREDIT MUTUEL trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain names. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain or to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain names.

Based on the available record, the Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that both registration and use of the disputed domain names in bad faith can be found pursuant to Paragraph 4(a)(iii) of the Policy.

Indeed, given the fact that the Complainant's trademarks are well known in the banking services, the Respondent cannot credibly claim to have been unaware of the existence of the previous trademarks (see section 3.2.2 of the [WIPO Overview 3.0](#)) and previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)).

As for use of the disputed domain names in bad faith, given the circumstances described in the Complaint, the documentary evidence provided by the Complainant, and the brief verification carried out by the Panel, the Panel notes that the disputed domain names do not resolve to active websites, and further a number of the disputed domain names have been flagged by Internet browser as "dangerous" / "suspicious". Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain names by the Respondent that would not be illegitimate.

Therefore, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 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 disputed domain names <credit-acd-mutuel.com>, <creditacdmutuel.com>, <creditmutuel-acd.com>, <creditmutuelacd.com>, <credit-mutuel-acde.com>, <credit-mutuel-acde.net>, <credit-mutuel-acds.com>, <creditmutuelagde.com>, <credit-mutuel-demande.com>, <creditmutueldemande.com>, <demande-credit-mutuel.net>, <demande-credit-mutuelnet.com>, <mutuel-credit-asl.com>, <mutuelcreditasl.com>, <mutuelcredit-cds.com>, <mutuelcreditcds.com>, <mutuel-credit-demande.com>, <mutuelcreditdemande.com> be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: August 9, 2024