

## **ADMINISTRATIVE PANEL DECISION**

**DNCA FINANCE v. Benjamin Wilkins, DNCA**  
**Case No. D2024-5065**

### **1. The Parties**

The Complainant is DNCA FINANCE, France, represented by MIIP MADE IN IP, France.

The Respondent is Benjamin Wilkins, DNCA, United Kingdom.

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

The disputed domain name <dnca.org> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 9, 2024. On December 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 10, 2024, 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 (REDACTED FOR PRIVACY, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 December 12, 2024.

The Center verified that the Complaint 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 December 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on January 17, 2025. 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 an investment management company founded in France, in 2000, by specialists who pursue a value-based focus to managing wealth for private and institutional investors. It is an affiliate of Natixis Investment Managers, a well-known investments company.

The Complainant owns Benelux Trademark Registration No. 904658 (registered August 2, 2011) for the word trademark DNCA. The Complainant is also the owner of numerous trademark registrations in various countries for trademarks that contain the string “dnca”, including United Kingdom Trademark Registration No. 00904675088 (registered December 12, 2007), European Union Trademark Registration No. 004675088 (registered December 12, 2007), and International Trademark Registration No. 876898 (registered November 8, 2005), all for the word trademark DNCA FINANCE.

The Complainant is the registrant of a number of domain names containing the string “dnca”, including <dnca.fr> (registered June 14, 2004), <dnca-investments.com> (registered June 15, 2015), and <dnca-investments.fr>, all of which re-direct to the Complainant’s official website at “www.dnca-investments.com”

From at least as early as August 2006, the Complainant was the registrant of the disputed domain name and used it for its official website. However, the Complainant did not renew registration of the disputed domain name in 2013, and the Respondent took the opportunity to register it.

The Complainant provided a screenshot of an Internet Archive page showing that, on July 19, 2015, the disputed domain name resolved to a parking page at which it was said to be for sale.

The Complainant also provided screenshots, dated November 28, 2024, showing pages of the website to which the disputed domain then resolved, at which an entity called DNCA purported to offer trading and investment services. The website said that DNCA had won numerous awards, is a United Kingdom company offering its services worldwide, and has a “FCA Reference ID” (which is a number that identifies an entity with the Financial Conduct Authority, the regulator of financial services firms and financial markets in the United Kingdom). A search on the Financial Conduct Authority database reveals that there is no entity or individual registered under this number. As of the date of this decision, the disputed domain name resolves to a website with pages very similar to those shown in the Complainant’s screenshots.

The Complainant provided a screenshot dated December 6, 2024, which showed that MX records for the disputed domain name were activated.

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds, among others. It is a well-established practice to disregard the generic Top-Level Domain (“gTLD”) suffix of a domain name, like “.com” or “.org”, when assessing whether a domain

name is identical or confusingly similar to the mark in issue. The disputed domain name is identical to the Complainant's registered word trademark DNCA and reproduces the distinctive element of other trademarks of the Complainant, including the word trademark DNCA FINANCE.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name on the following grounds, among others. The Respondent does not own any trademark rights, including to the trademark DNCA, in the field of investment or financial services. The Complainant has neither authorized nor licensed the Respondent to use the Complainant's trademarks in any way. A Google search on "Benjamin Wilkins DNCA" does not lead to any pertinent results, from which it follows that the Respondent is not commonly known as "DNCA". The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, or in any use in connection with bona fide offering goods and services. The website "www.archives.org" reveals that the disputed domain name pointed to a page offering the domain for sale for USD 1,000 for several years, from which it can be inferred the Respondent lacks a legitimate interest in it. Subsequently, the disputed domain began to point to a website allegedly offering investment services, which are in fact not genuine. The disputed domain name is confusingly similar to the Complainant's trademarks, and there is a risk of affiliation with the Complainant.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. When registering the disputed domain name, the Respondent employed a privacy service in order to hide its identity and to avoid being notified of a UDRP proceeding. The disputed domain name is registered with the aim of taking advantage of the reputation of the Complainant's well-known DNCA trademark. The choice of the disputed domain name cannot be an accident as DNCA has no meaning. Objectively, the only reason for having registered the disputed domain name is to create confusion in the public's mind, to carry out unlawful activities. The Respondent has intentionally registered a domain name that is identical to the Complainant's trademark in order to give himself over to illegal activities. At the website to which the disputed domain name resolves, the Respondent claims to have won a number of awards, but none of these claims are true. The website is displaying fake information with the aim of reassuring Internet users that they can provide confidential information. MX records associated with the disputed domain name are activated. There is a high risk that the disputed domain name will be used for phishing or scams, in particular given the field of activity of the Complainant (namely banking and financial services). When he registered the disputed domain name, the Respondent provided fake information. Neither the DNCA company nor its postal address exist.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

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. It is the owner of a trademark registration for the word trademark DNCA.

When the gTLD ".org" is ignored (which appropriate in this case), the disputed domain name consists solely of the Complainant's DNCA trademark. Accordingly, the disputed domain name is identical to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The evidence establishes that the Respondent has used the disputed domain name to resolve to a website which, due to its use of the Complainant’s trademark and the description of services allegedly provided, falsely purports to be affiliated with the Complainant. Panels have held that the use of a domain name to imply a commercial affiliation that does not exist, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

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: (i) the Respondent registered the disputed domain name many years after the Complainant first registered its trademark; (ii) the disputed domain name incorporates the Complainant’s trademark in its entirety; and (iii) the Respondent has used the disputed domain name to resolve to a website that purports to offer the services which the Complainant offers under its trademark, and which falsely purports to be affiliated with the Complainant. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant’s trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. The evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant’s trademark. Having reviewed the record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <dnca.org> be transferred to the Complainant.

*/Andrew F. Christie/*

**Andrew F. Christie**

Sole Panelist

Date: January 31, 2025