

## **ADMINISTRATIVE PANEL DECISION**

Banque Palatine v. Sabrina Davant  
Case No. D2024-5085

### **1. The Parties**

The Complainant is Banque Palatine, France, represented by KALLIOPE Law Firm, France.

The Respondent is Sabrina Davant, France.

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

The disputed domain name <palatine-info.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 10, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 12, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 17, 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 19, 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 December 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 15, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on January 23, 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 a French bank founded in 1780 and specialized in small and medium-size companies and in asset management. The Complainant is a wholly owned subsidiary of Groupe BPCE.

The Complainant and its affiliated companies are the owner of numerous trademarks incorporating part or the entirety of its incorporation name (the "PALATINE Trademarks"):

- the French trademark PALATINE No. 3314051, registered on September 22, 2004, and renewed, for services in classes 35 and 36;
- the French wordmark PALATINE No. 3338990, registered on February 3, 2005, and renewed for products and services in classes 9, 16, 38, 41, 42, and 45;
- the European Union wordmark PALATINE No. 004353223, registered on July 31, 2006, and renewed for products and services in classes 9, 16, 35, 36, 38, 41, and 42; and
- the French wordmark BANQUE PALATINE No. 3644179, registered on April 15, 2009, and renewed for services in classes 35, 36, and 38.

The Complainant is also the owner of the domain name <palatine.fr>.

The dispute domain name was registered on October 29, 2024, and resolves to an inaccessible website.

#### **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.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to its PALATINE Trademarks. The Complainant points out the PALATINE Trademarks are well-known and dully exploited in the finance and banking industry. The Complainant underlines the disputed domain name incorporates the PALATINE Trademarks in their entirety, and that the addition of the term "info" does nothing to prevent a finding of confusing similarity.

Then, the Complainant asserts the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has never authorized the Respondent to register and/or use any domain name incorporating the PALATINE Trademarks. The Complainant indicates that it has not granted any license nor any authorization to use the PALATINE Trademarks in a domain name.

Finally, the Complainant submits the disputed domain name was registered and is being used in bad faith. First, the Complainant explains that its parent company and itself are well-known in France and through the world, notably by the financial and banking market consumers. For the Complainant, this shows the registration of the disputed domain name is not a mere coincidence and, on the contrary, demonstrates that the Respondent has registered the disputed domain name on purpose to generate a likelihood of confusion with its PALATINE Trademarks. Then, the Complainant underlines that the disputed domain name redirects

to an inaccessible website and that the passive holding of the disputed domain name, in the circumstances of this case, does not prevent a finding of bad faith registration and use, and further constitutes a disruption of the Complainant's business. Finally, the Respondent contends that the Respondent's willingness to remain anonymous when registering the disputed domain name is evidence of its bad faith.

## **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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "-info", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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.

Indeed, it appears that the Respondent has not received any authorization to use the PALATINE Trademarks in any manner, including for the registration of domain names, and that the Respondent is not affiliated with or authorized by the Complainant in any way.

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 the Respondent has registered the disputed domain name well after the registration of the PALATINE Trademarks and that the disputed domain name is inactive. The Panel also notes the distinctiveness and reputation of the PALATINE Trademarks, in particular in France where the Respondent is located, the failure of the Respondent to submit a response, and that the Respondent concealed its contact details when registering the disputed domain name.

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.

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 or reputation of the Complainant's trademark in France where the Respondent is located, the Respondent's failure to submit a response, the fact that the disputed domain name was registered last year and still hasn't been put into use, and that the Respondent provided bad address when registering the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <palatine-info.com> be transferred to the Complainant.

*/Christiane Féral-Schuhl/*

**Christiane Féral-Schuhl**

Sole Panelist

Date: February 4, 2025