

ADMINISTRATIVE PANEL DECISION

Banque et Caisse d'Epargne de l'Etat v. Claude Raymond Genot,
Organization Redacted
Case No. D2024-5343

1. The Parties

The Complainant is Banque et Caisse d'Epargne de l'Etat, Luxembourg, represented by Office Freylinger S.A., Luxembourg.

The Respondent is CLAUDE RAYMOND GENOT, Organization Redacted¹, France.

2. The Domain Name and Registrar

The disputed domain name <bcee-snet.online> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2024. On December 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 31, 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, Privacy Protect, LLC (PrivacyProtect.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2025, 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 January 9, 2025.

¹ The Panel has decided to redact the name of the Respondent's Organization, adopting the criterion of the panel in *Banco Bradesco S.A v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#). The Panel has decided that no purpose can be served by including the Respondent's Organization in this decision, and has therefore redacted the organization name from the caption and body of this decision. The Panel has, however, attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name that includes the Respondent's Organization name, and has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding. However, the Panel has further directed the Center, pursuant to paragraph 4(j) of the Policy and paragraph 16(b) of the Rules, that Annex 1 to this Decision shall not be published except under exceptional circumstances.

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 January 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2025.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on February 6, 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, which completely owned by the government of Luxembourg, is a company offering banking, insurance and financial services.

The Complainant has been using the trademarks BCEE and S-NET prior to the registration of the disputed domain name and holds the following trademarks:

- European Union trademark BCEE No. 009110537, filed on May 17, 2010 and registered on November 2, 2010, covering goods and services in classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45;
- Swiss trademark BCEE No. 615156, filed on December 30, 2010 and registered on May 10, 2011, covering goods and services in classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45;
- United Kingdom trademark BCEE No. UK00909110537, filed on May 17, 2010 and registered on November 2, 2010, covering goods and services in classes 9, 16, 25, 35, 36, 38, 39, 41, 42, 43, and 45;
- United Kingdom trademark BCEE No. UK00003345047, filed on October 12, 2018 and registered on December 28, 2018, covering services in class 36;
- Benelux trademark S-NET No. 644249, filed on April 12, 1999 and registered on August 1, 1999 for services in class 36;
- European Union trademark S-NET No. 009110644, filed on May 17, 2010 and registered on July 1, 2012 for services in classes 35, 36, 38, and 41; and
- United Kingdom trademark S-NET No. UK00909110644, filed on May 17, 2010 and registered on July 1, 2012 for services in classes 35, 36, 38, and 41.

The Respondent has registered the disputed domain name with the Registrar on October 10, 2024.

At the time of the Complaint, the disputed domain name resolves to an active website which apparently presents the activity of a French Company “SCI BCEE”, with seat of business in France which is specialized in real estate and in particular, in the sale and rental of properties.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademarks, as it literally repeats the trademarks BCEE and S-NET that are only separated by a dash "-".

The Complainant considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainant has neither licensed nor otherwise authorized the Respondent to use its marks or to apply for or use any domain name incorporating the trademarks of the Complainant and the Respondent does not appear to be known by the disputed domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant further submits that prior to the Complaint, they sent a cease-and-desist letter to the company mentioned on the website where the disputed domain name is resolved. The manager of that company has informed the Complainant that he has never registered the disputed domain name. As Respondent used a privacy shield, the Complainant was obliged to file the Complaint in order to determine the Respondent's particulars.

The Complainant claims that the Respondent is using the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademarks and for the purpose of disrupting the Complainant's business and targeting the Complainant's trademarks by incorporating two trademarks of the Complainant within the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1. Effect of the Default

Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, a panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. As there are no exceptional circumstances for the failure of the Respondent to submit a formal Response, the Panel infers that the Respondent does not deny the facts asserted and contentions made by the Complainant. Therefore, asserted facts that are not unreasonable will be taken as true and the Respondent will be subject to the inferences that flow naturally from the information provided by the Complainant (*Reuters Limited v. Global Net 2000, Inc.*, WIPO Case No. [D2000-0441](#)).

6.2. Substantive Issues

Pursuant to paragraph 4(a) of the Policy, the Complainant is required to prove the presence of each of the following three elements to obtain the remedy it has requested: (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 has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner.

In this respect the Panel notes that the disputed domain name does not only integrate the Complainant's two trademarks at the same time, but it is also formed through the exact combination of the Complainant's registered trademarks which is an important point that will be taken into consideration during the analysis of the third element.

Therefore, in the Panel's view, the disputed domain name is confusingly similar to two trademarks of the Complainant for purposes of standing to proceed with its claim. As regards the generic Top-Level Domain ("gTLD") ".online", it is typically disregarded under the confusing similarity test. Consequently, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be commonly known by the disputed domain name, has not used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademarks.

The Respondent has not filed a Response.

The Complainant has made out its prima facie case under this element of the Policy and the Respondent has failed to rebut it.

Accordingly, and in view of the Panel's discussion below, the Panel finds that the Complainant succeeds in relation to the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Respondent has registered and used the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's two trademarks at the same time.

As a matter of fact, considering:

- the use of the Complainant's two trademarks within the disputed domain name at the same time,
- the website related to the disputed domain name invites the consumers to fulfil their name, email address and phone number without specifying their use / the processing of the consumer personal data;
- a website requesting personal data without providing any guarantee as to how this information will be used may arouse suspicion of a phishing attempt,
- the company mentioned on the website has not registered the disputed domain name.

it is clear that the Respondent has targeted the Complainant and its BCEE and S-NET trademarks to further its own commercial activities likely through illegitimate activity such as phishing.

Panels have held that the use of a domain name for illegal activity here, claimed by impersonation/passing off and collecting personal information such as e-mails and phone numbers constitutes bad faith use. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the evidence submitted with the Complaint, it is unequivocally clear that the Respondent was well aware of the Complainant's trademark and its activity. Considering all above facts, there is no doubt that the Respondent had the Complainant's trademark in mind when registering the disputed domain name and is using the disputed domain name in bad faith manner.

Lastly, on November 6, 2024, the Complainant sent a cease-and-desist letter to the company mentioned on the website where the disputed domain name is resolving. The Complainant has received a response from the manager of that company that they did not register the disputed domain name. The Complainant had then initiated the subject Complaint in order to find the relevant registrant of the disputed domain name.

In this respect, the Panel observed that the Respondent used a privacy shield. While the Respondent's use of a privacy service will not in itself constitute bad faith under the Policy, the Panel may still take it into account and draw adverse inferences.

The Panel notes that the use of the privacy shield in this case together with other elements especially in the view of:

- the conceptualization of the disputed domain name which composed of the exact combination of the Complainant's trademarks BCEE and S-NET;
- the use of the third-party company on the website where the disputed domain name is resolved.

gives rise to undisputable fact that the privacy shield was used to mask the identity of the true registrant and to obstruct proceedings commenced under the Policy. The Panel notes that the Respondent seems to have used false contact information when registering the disputed domain name.

In the view of all above, the Panel concluded that the only reason for the registration of the disputed domain name must have been with bad faith intent to exploit, for commercial gain, the Complainant's reputation. As demonstrated above, the Respondent has used the disputed domain name for precisely that purpose.

Given the Respondent's lack of participation in this proceeding, the composition of the disputed domain name, and the lack of any credible good faith use to which the identical disputed domain name could be put, 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 name <bcee-snet.online> be transferred to the Complainant.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: February 26, 2025