

ADMINISTRATIVE PANEL DECISION

BPCE v. Stanford Raynor
Case No. D2025-0073

1. The Parties

The Complainant is BPCE, France, represented by KALLIOPE Law Firm, France.

The Respondent is Stanford Raynor, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <groupebpce.finance> 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 January 9, 2025. On January 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 2025, 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 13, 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 14, 2025.

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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 5, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on February 7, 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 one of the largest banking groups in France, working through its two major banking networks, Banque Populaire and Caisse d'Épargne as well as different subsidiaries. It has more than 105,000 employees and serves 36 million customers. It is present in more than 40 countries via its various subsidiaries.

The BPCE brand is registered as a trade mark in many jurisdictions including the following:

- European Union Trade Mark Registration No. 8375842 for BPCE, registered on January 12, 2010;
- French Trade Mark Registration No. 3653852 for BPCE, registered on May 29, 2009; and
- United States Trade Mark Registration No. 5743541 for GROUPE BPCE and Device, registered on May 7, 2019.

(individually and collectively the "Trade Mark").

The Complainant also owns directly and through its subsidiaries domain names which comprise the Trade Mark including <bpce.fr>, <groupebpce.fr>, and <groupebpce.com>. The website connected to <groupebpce.com> is its institutional portal.

The Respondent, who appears to be based in the United States, registered the disputed domain name on November 11, 2024. The disputed domain name does not resolve to an active website although an email server has been configured on the disputed domain name.

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 confusingly similar to the Trade Mark in which it has rights, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in 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 identity or confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's Trade Mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

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.

While 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 often impossible 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. 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 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.

Moreover, the nature of the disputed domain name that comprises the Complainant’s Trade Mark in its entirety and registered in the “.finance” Top-Level Domain (“TLD”) which descriptive of the Complainant’s services, is likely to mislead Internet users expecting to find the Complainant as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. This is further exacerbated by the fact that it is almost identical to one of the Complainant’s active domain names. The sole difference between the Complainant’s own domain name which it uses as an institutional portal and the disputed domain name are their respective TLDs (“.com” and “.finance”).

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 the disputed domain name fully incorporate the Trade Mark with the “.finance” TLD which refers to the Complainant’s services and business, indicating that the Respondent had actual knowledge of and was targeting the Complainant and the Trade Mark when registering the disputed domain name. The Panel also notes that the disputed domain name is inactive. 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. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding, particularly noting the reputation of the Complainant's Trade Mark. [WIPO Overview 3.0](#), section 3.3. Moreover, the nature of the disputed domain name, which is not only confusingly similar to the Trade Mark and is obviously targeting the Complainant, is an indication of bad faith on the part of the Respondent.

Further, based on the available record, the Panel notes that mail exchange servers have been configured on the disputed domain name.

Section 3.4 of [WIPO Overview 3.0](#) states as follows:

"Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. (In some such cases, the respondent may host a copycat version of the complainant's website.) Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers."

Although there is no evidence that the Respondent has actually sent phishing or fraudulent emails so far, the presence of an email server configured to the inherently misleading disputed domain name constitutes an ongoing threat, and in the circumstances of this case, the disputed domain name could be used to perpetuate phishing schemes or other email scams in the future.

Having reviewed the available record, the Panel notes the reputation of the Trade Mark, the composition of the disputed domain name, the configuration of an email server on the disputed domain name, and the lack of a response from the Respondent, 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.

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

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 <groupebpce.finance> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: February 21, 2025