

ADMINISTRATIVE PANEL DECISION

Confédération Nationale du Crédit Mutuel (CNCM) v. Swift Axis, SwiftAxis
Case No. D2025-0359

1. The Parties

The Complainant is Confédération Nationale du Crédit Mutuel (CNCM), France, represented by MEYER & Partenaires, France.

The Respondent is Swift Axis, SwiftAxis, United States of America.

2. The Domain Name and Registrar

The disputed domain name <credit-mutual.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 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 February 4, 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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 26, 2025.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on March 10, 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 the political and central body of the leading CRÉDIT MUTUEL banking group, which is the second French banking and insurance services group, providing its services to 8,9 million clients for more than a century. The CREDIT MUTUEL banking group is a network of 4659 offices in France, congregated in 18 regional federations.

The Complainant is the owner, amongst others, of the following trademark registrations of the CRÉDIT MUTUEL trademark:

- European Union Trademark Registration No. 18130616 for CRÉDIT MUTUEL, registered on September 2, 2020, for goods and services in International Classes 7, 9, 16, 35, 36, 38, 41 and 45;
- European Union Trademark Registration No. 16130403 for CRÉDIT MUTUEL (word & device), registered on June 1, 2017, for goods and services in International Classes 7, 9, 16, 35, 36, 38, 41 and 45;
- European Union Trademark Registration No. 018130619 for CRÉDIT MUTUEL (word & device), registered on May 22, 2020, for goods and services in International Classes 7, 9, 16, 35, 36, 38, 41 and 45;
- European Union Trademark Registration No. 005146162 for Crédit Mutuel La banque à qui parler (word & device), registered on August 23, 2007, for goods and services in International Classes 9, 16, 35, 36, 37, 38, 39, 41, 42, 43, 44 and 45;
- French Trademark Registration No. 1475940 for CRÉDIT MUTUEL (word & device), registered on July 8, 1988, for services in International Classes 35 and 36;
- French Trademark Registration No. 1646012 for CRÉDIT MUTUEL (word & device), registered on November 20, 1990, for goods and services in International Classes 16, 35, 36, 38 and 41.

The CREDIT MUTUEL trademark 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 the Complainant and its affiliates.

The Complainant has also registered several domain names including the CRÉDIT MUTUEL trademark under generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”), such as:

- <creditmutuel.com>, created on October 28, 1995;
- <creditmutuel.fr>, created on August 9, 1995;
- <creditmutuel.org>, created on June 3, 2002;
- <creditmutuel.info>, created on September 13, 2001;
- <creditmutuel.net>, created on October 3, 1996.

The Complainant has secured its online presence through websites under the domain names <creditmutuel.com> and <creditmutuel.fr> addressing the services which the Complainant provides to its clients.

The disputed domain name <credit-mutual.com> was created on December 16, 2024, and resolves to the website offering banking services, featuring an interface that prompts users to create bank accounts, while displaying a logo similar to that of the Complainant. Upon creation of the disputed domain name, the Respondent used an identity proxy service. Mail Exchange (“MX”) records, necessary for sending and receiving emails using the disputed domain name, have been activated for the disputed domain name on the hosting server. The subdomain for sending e-mails has been configured under 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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the CRÉDIT MUTUEL trademark.

The Complainant further alleges that the disputed domain name is confusingly similar to the Complainant's CRÉDIT MUTUEL trademark due to the minor substitution of the letter "e" with "a". This slight alteration is insufficient to distinguish the disputed domain name from the CRÉDIT MUTUEL trademark or the pre-existing domain name <creditmutuel.com>. The Complainant views this modification as typosquatting, a practice recognized as creating confusing similarity with the Complainant's mark.

Addition of the Top-Level Domain ("TLD") shall be viewed as a mere registration requirement.

No rights or legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent. Moreover, the disputed domain name may create the confusion regarding affiliation of the disputed domain name with the Complainant.

The Complainant further contends that, based on the evidence produced by it, the Respondent configures the subdomains under the disputed domain name for emailing activity that can only be fraudulent.

Registered and used in bad faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant contends that the Respondent could not have been unaware of the CRÉDIT MUTUEL trademark when it registered the disputed domain name, which is confusingly similar to the Complainant's trademark which has gained a high degree of recognition among the public. Furthermore, the Respondent's actual knowledge of the Complainant and its trademark is clearly demonstrated by the clear imitation of the Complainant's CRÉDIT MUTUEL logo on the commercial website under the disputed domain name. The Respondent was clearly well aware of the Complainant and its trademark and registered the disputed domain name with such trademark in mind, in order to capitalize on the reputation of the Complainant and its trademark to attract Internet users.

Furthermore, the Complainant contends that the website invited Internet users to open an account, which demonstrates that the Respondent, in all likelihood, intended to obtain users' personal information.

The Complainant further asserts that configuration of MX servers and the subdomains under the disputed domain name and its registration by the Respondent using the proxy service also demonstrates bad faith registration and use of the disputed domain.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- I. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- II. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- III. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 holds a series of the regional and national trademark registrations for the CRÉDIT MUTUEL trademark.

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 disputed domain name consists of a misspelling of the Complainant's CRÉDIT MUTUEL trademark, with the only difference being the substitution of the letter "e" with "a" in the original trademark and the use of a hyphen between two word elements.

The Panel finds the mark is recognizable 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. Under section 1.9. of [WIPO Overview 3.0](#), a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

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.

The Panel notes that there is no evidence that the Respondent (as an individual, business, or other organization) is commonly known under the CRÉDIT MUTUEL trademark. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant’s CRÉDIT MUTUEL trademark, or to apply for registration of the disputed domain name by the Complainant.

The Respondent’s election of the disputed domain name, which consists of a misspelling of the Complainant’s CRÉDIT MUTUEL trademark, shows that the Respondents have targeted the Complainant, its trademark, and its business. Therefore, the Respondent’s conduct cannot be considered a legitimate noncommercial or fair use of the disputed domain name.

The Complainant demonstrated that the website, to which the disputed domain name resolves, offers services that compete with those of the Complainant. The website also displays the imitation of the Complainant’s CRÉDIT MUTUEL logo, which shows that the Respondent has attempted to impersonate or pass-off as the Complainant, since the display of the misspelling of the Complainant’s CRÉDIT MUTUEL trademark misleads Internet users as to the affiliation, source or sponsorship of the services rendered by the Respondent, while clearly seeking a commercial gain (see sections 2.5.1, 2.5.2., and 2.5.3 of the [WIPO Overview 3.0](#)).

In addition, based on the undisputed submission provided by Complainant, it is clear that Respondent may likely use the disputed domain name for fraudulent purposes as MX records have been set up and respective subdomain enabling sending emails. In these circumstances it is clear to the Panel that Respondent may engage in some form of deceptive and fraudulent activity with a view to commercial gain and that the disputed domain name was registered with that in mind. Such activity cannot confer any rights or legitimate interests upon Respondent.

Panels have held that the use of a domain name for illegal activity, such as, phishing, impersonation/passing off, or any other type of fraud 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 the Complainant ascertained its rights over the CRÉDIT MUTUEL trademark in several jurisdictions. The dates of registration of the Complainant's trademark significantly precede the date of registration of 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.

As mentioned in the analysis of the first element, the disputed domain name constitutes a misspelling of the Complainant's CRÉDIT MUTUEL trademark. Through the website to which the disputed domain name resolves, the Respondent has impersonated the Complainant, which constitutes bad faith. Internet users who encounter the website under the disputed domain name may believe that they are dealing with the Complainant, or with the website somehow endorsed, authorized, or operated by the Complainant's. See section 3.1.4 of the [WIPO Overview 3.0](#).

Taking the above into consideration, as well as the fact that the Respondent has targeted the Complainant, its services, and its clients, it is clear that the Respondent knew about the Complainant and its trademark when the disputed domain name was registered. Section 3.2.1 of the [WIPO Overview 3.0](#).

The evidence submitted by the Complainant shows that the Respondent has attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The Complainant has alleged that Respondent has configured MX records for the disputed domain name and respective subdomains, suggesting an intention to use the disputed domain name for illegal purposes. Panels have consistently found that the mere registration of a domain name that is confusingly similar to a well-known trademark for illegal activity is considered evidence of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)). The configuration of MX records presents the potential for an email phishing scheme impersonating the Complainant.

The Panel's finding of bad faith is further supported by the Respondent's use of a proxy service in its registration of the disputed domain name. Though there can be legitimate reasons to use a privacy service, the Respondent has not articulated any such reasons here. To the contrary, based on the facts of this case, the Panel finds that the Respondent likely used a proxy service to hide his identity. See [WIPO Overview 3.0](#), section 3.6: "Where it appears that a respondent employs a privacy or proxy service merely to avoid being notified of a UDRP proceeding filed against it, panels tend to find that this supports an inference of bad faith."

Panels have held that the use of a domain name for illegitimate activity here, phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [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.

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 <credit-mutual.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: March 25, 2025