

ADMINISTRATIVE PANEL DECISION

Crédit Foncier de France v. Name Redacted
Case No. D2025-0366

1. The Parties

The Complainant is Crédit Foncier de France, France, represented by KALLIOPE Law Firm, France.

The Respondent is Name Redacted.

2. The Domain Name and Registrar

The disputed domain name <creditfoncier-de.com> is registered with Internet Domain Service BS Corp (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 30, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 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, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 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 February 6, 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on February 28, 2025.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on March 5, 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, established in France in 1852, offers real estate financing and services to private persons, real estate professionals, and investors. It is the proprietor of several trademark registrations, including the following:

- French Trademark Registration No. 3194024 for CRÉDIT FONCIER (device mark), registered on November 12, 2002 for services in classes 35, 36, 42, and 45.
- French Trademark Registration No. 3796582 for CRÉDIT FONCIER (device mark), registered on November 11, 2011 for services in classes 35, 36, 37, 41, 42, 43, and 45;
- European Union Trade Mark No. 018992050 for CRÉDIT FONCIER (device mark), registered on June 28, 2024 for services in class 36.

The Complainant operates its business website at the domain names <creditfoncier.fr> and <creditfoncier.org>.

The disputed domain name was registered on December 26, 2024. At the time of this Decision, it did not resolve to an active website. The record contains evidence that it previously resolved to a website purporting to be operated by “Credit Foncier” describing itself as “a merchant general trading company with supply and procurement capabilities.”

The evidence reflects that email exchange (“MX”) records have been configured for the disputed domain name.

The Complainant sent a cease-and-desist letter to the Respondent on January 24, 2025. The record does not reflect a response thereto.

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 it is a wholly owned subsidiary of Groupe BPCE, the second largest banking group in France, with over 100,000 employees and 36 million customers. The Complainant has provided mortgage banking services in France for more than 167 years. The Complainant’s trademark is well-known in France and more broadly by financial and market consumers. The disputed domain name is comprised of the Complainant’s mark with the addition of “-de”, referring to Germany. The Complainant has not authorized the Respondent to use its mark.

The disputed domain name resolves to a website that maintains a high level of confusion with the services of the Complainant. The Respondent, which had concealed its identity, had previously registered the domain name <cf-de.com>, which had resolved to an identical website and was transferred to the Complainant in a UDRP proceeding based on a finding of bad faith. See *Crédit Foncier de France v. Name Redacted*, WIPO Case No. [D2024-4223](#). The configuration of MX records indicates intent to use the disputed domain name for fraudulent purposes.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, "[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".

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 Complainant's CRÉDIT FONCIER 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, "-de") may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

The Panel notes that the composition of the disputed domain name, which reflects the Complainant's CRÉDIT FONCIER mark followed by a hyphen and the letters "de" – a common abbreviation for Germany. Therefore, the Panel finds that the nature of the disputed domain name carries a risk of implied affiliation to the Complainant that cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The Panel notes that the website at the disputed domain name reproduces a logo similar to the Complainant's logo. The Panel notes the Complainant's claim that the Respondent pretends to be the German subsidiary of the Complainant, and finds that the name Credit Foncier GmbH was likely provided as a registrant organization by the Respondent in furtherance of an appearance of affiliation with the Complainant.

The Respondent has not put forward any rights or legitimate interests. There is no evidence that the Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish the Respondent's rights therein. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The Panel notes that the disputed domain name was registered over 20 years after the Complainant registered its CRÉDIT FONCIER mark. The composition of the disputed domain name reflects the Complainant's mark together with the letters "de" referring to the country-code abbreviation for Germany, a country neighboring France, in which the Complainant operates. Such composition indicates that the Respondent sought to create the appearance of an association with the Complainant.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The disputed domain name resolved to a website purporting to offer trading services under the CRÉDIT FONCIER mark. In light of the finding that the Respondent has no rights in the disputed domain name, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Moreover, the record reflects that the Respondent has configured MX records for the disputed domain name. In light of the finding that the Respondent has no rights in the disputed domain name, and the circumstances discussed under the second element pointing to a likely case of impersonation/passing off, the Panel considers that the configured MX records create a risk that the disputed domain name may be used for sending emails from the inherently misleading disputed domain name.

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 <creditfoncier-de.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: March 19, 2025