

## **ADMINISTRATIVE PANEL DECISION**

Natixis v. Vyacheslav Monogarov

Case No. D2025-0673

### **1. The Parties**

The Complainant is Natixis, France, represented by MIIP – MADE IN IP, France.

The Respondent is Vyacheslav Monogarov, Russian Federation.

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

The disputed domain names <generali-natixis.com> and <natixis-generali.com> (collectively referred to as the “Domain Names”) are registered with Registrar of Domain Names REG.RU LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On February 21, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Personal data, can not be publicly disclosed according to applicable laws) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 24, 2025.

On February 21, 2025, the Center informed the parties in Russian and English, that the language of the registration agreement for the Domain Names is Russian. On February 24, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the Complainant’s submission.

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 in Russian and English of the Complaint, and the proceedings commenced on February 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2025.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on March 24, 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 multinational financial services firm specializing in asset and wealth management, corporate and investment banking, insurance, and payments. It constitutes a part of Groupe BPCE, which is the second-largest banking group in France.

The Complainant is the owner of several NATIXIS trademark registrations, including:

- the French Trademark Registration for NATIXIS (word) No. 3416315, registered on August 18, 2006;
- the European Union Trademark Registration for NATIXIS (word) No. 005129176, registered on June 21, 2007; and
- the International Trademark Registration for NATIXIS (figurative) No. 1071008, registered on April 21, 2010.

The Complainant is also the owner of such domain names as <natixis.com>, <natixis.fr>, and <natixis.xyz>, which incorporate its NATIXIS trademark.

The Domain Names were registered on January 29, 2025.

At the time of submission of the Complaint, the Domain Names resolved to identical parked pages containing a contact form. On January 21, 2025, the Complainant and Assicurazioni Generali S.p.A. announced that they have signed a Memorandum of Understanding to create a joint venture between their respective asset management operations.

As of the date of this Decision, the Domain Names resolve to identical parked pages displaying in English information about the GeneraliNATIXis project, which is stated to be under construction. According to the details provided on the websites, "NATIX is a decentralized digital currency leveraging blockchain technology for secure transactions. The project is not commercial, does not represent or use any trademark or service mark or place of origin of goods for commercial purposes. The project does not intend to mislead consumers or damage the reputation of any trademark". The pages also feature a "Contact Us" button.

#### **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 Domain Names.

First, the Complainant contends that the Domain Names are confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Names.

Third, the Complainant submits that the Domain Names were registered and are being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Language of the Proceedings**

The language of the Registration Agreement for the Domain Names is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons. First, the Complainant alleges that the Top-Level Domain ("TLD") ".com" in the Domain Names targets consumers from all over the world, many of whom are familiar with the English language. Second, the Complainant contends that English is considered the business language. Third, the Complainant notes that the Domain Names are composed of Latin characters, not Cyrillic script. Fourth, the Respondent seemed to have some knowledge of English, the websites the Domain Names resolved to were in both English and Russian. Fifth, the Complainant submits that it is a French company, and translating the Complaint and its Annexes into Russian would incur significant expenses and delays. Neither the Complainant nor its legal representatives are fluent in Russian.

The Respondent did not comment on the Complainant's request for the language of the proceedings be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel accepts that substantial additional expenses and delay would likely be incurred if the Complaint had to be translated into Russian. Moreover, the Panel notes that the Respondent did not comment or object to the Complainant's arguments concerning the language of the proceedings. The Panel also takes into account that, at the date of this Decision, both websites present information about GeneraliNATIXis project in the English language.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

### **6.2. Substantive Matters – Three Elements**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Names are 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 the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”. See section 4.2 of the [WIPO Overview 3.0](#).

### **A. Identical or Confusingly Similar**

Under the first element, the Complainant must establish that the Domain Names are identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid NATIXIS trademark registrations. The Domain Names incorporate this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

The addition of the third-party GENERALI trademark along with a hyphen in the Domain Names does not prevent the finding of confusing similarity between the Domain Names and the NATIXIS trademark. Panels have consistently held that where the complainant’s trademark is recognizable within the disputed domain name, the addition of other third-party marks (i.e., <mark1+mark2.tld>), is insufficient in itself to avoid a finding of confusing similarity to the complainant’s mark under the first element. See section 1.12 of the [WIPO Overview 3.0](#).

The generic Top-Level Domain “.com” in the Domain Names is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Names are confusingly similar to the Complainant’s NATIXIS trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Names.

A right or legitimate interest in the Domain Names may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Names, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the Complainant’s NATIXIS trademark registrations predate the Respondent’s registration of the Domain Names. There is no evidence in the case record that the Complainant or the GENERALI trademark holder have licensed or otherwise permitted the Respondent to use the NATIXIS trademark or GENERALI trademark or to register the Domain Names

incorporating these trademarks. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Names.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Names in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Names. On the contrary, at the time of submission of the Complaint, the Domain Names resolved to parked pages containing a contact form. . As of the date of this Decision, the Domain Names resolve to a parked page displaying information about the alleged GeneraliNATIXis project (recently announced by the Complainant and Assicurazioni Generali S.p.A.) and featuring a "Contact Us" button. Such use of the Domain Names does not confer rights or legitimate interests in the Domain Names on the Respondent.

Given the above, there are no circumstances in the evidence on record which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Names. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

Under the third element, the Complainant must prove that the Domain Names have been registered and are being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the NATIXIS trademark predate the registration of the Domain Names. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration. This finding is supported by the composition of the Domain Names, which incorporate both the NATIXIS trademark and the GENERALI trademark belonging to a third party with whom the Complainant has recently been cooperating. The Panel notes specifically, in this regard, that the Domain Names were registered several days after the Complainant and that third party had announced a planned creation of a joint venture. Moreover, it has been proven to the Panel's satisfaction that the Complainant's NATIXIS trademark is well known and unique to the Complainant. Thus, the Respondent could not reasonably ignore the reputation of goods and services under this trademark. In sum, the Respondent, more likely than not, registered the Domain Names with the knowledge of the Complainant's NATIXIS trademark.

Furthermore, as of the date of this Decision, the Domain Names are used in bad faith to resolve to parked pages displaying information about the GeneraliNATIXis project, which is described as being under construction, and featuring a “Contact Us” button. The Panel finds, having regard to the totality of the circumstances of the case, that such change in use reinforces the finding that there was no good faith intention behind the registration and use of the Domain Names.

Moreover, as evidenced by the Complainant, some of the Domain Names have been configured with MX records to enable sending and receiving emails from the Domain Names, which creates a risk of phishing (see *W.W. Grainger, Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Daniel Thomas*, WIPO Case No. [D2020-1740](#)).

For the reasons discussed above, 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 Domain Names <generali-natixis.com> and <natixis-generali.com> be transferred to the Complainant.

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: April 7, 2025