

ADMINISTRATIVE PANEL DECISION

BPCE v. Robert Sattler

Case No. D2025-1298

1. The Parties

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

The Respondent is Robert Sattler, United States of America.

2. The Domain Name and Registrar

The Disputed Domain Name <caisse-epargne-assistance.com> is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 31, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 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 (REDACTED FOR PRIVACY, REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 1, 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 amended Complaints on April 4 and 7, 2025.

The Center verified that the Complaint together with the amended Complaints 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 April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 28, 2025.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on April 30, 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, BPCE, is a French joint stock company acting as the central institution responsible for the two banking networks Banques Populaires and Caisses d'Epargne with its head office in Paris.

According to the uncontested allegations of the Complainant, BPCE is the second largest banking group in France and pursues a full range of banking, financing and insurance activities, working through its two major Banque Populaire and Caisse d'Epargne cooperative banking networks. It has also 105,000 employees and 36 million customers. It is present in more than 40 countries via its various subsidiaries.

BPCE is the owner of numerous trademarks including the following:

1. Trademark registration no. 1658134, CAISSE D'EPARGNE logo, registered on April 26, 1991, with the French Office.
2. Trademark registration no. 000637504, CAISSE D'EPARGNE logo, registered on April 8, 1999 with the European Union Intellectual Property Office (EUIPO).
3. Trademark registration no. 3155888, LA CAISSE D'EPARGNE, registered on March 27, 2002, with the French Office.

It is also the owner of the domain name <caisse-epargne.com> registered since 1998 and <caisse-epargne.fr>, registered since 2009, which for more than 10 years have been leading to an active website enabling Caisse d' Epargne's customers to access their bank accounts online, according to the uncontested allegations of the Complainant.

The Disputed Domain Name has been registered anonymously. At the time of filing of the Complaint, the Disputed Domain Name did not lead to an active website with the browser resolving to a warning page due to potentially harmful materials and possible phishing activities.

The Respondent did not answer to the cease and desist letter of the Complainant of February 21, 2025.

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 its prior trademarks CAISSE D'EPARGNE in which the Complainant has rights, that the Respondent lacks any rights or legitimate interests in respect of the Disputed Domain Name, and that the Respondent must have known of the Complainant's trademarks and has registered and used the Disputed Domain Name in bad faith. The Complainant states that the addition of the generic Top-Level Domain ("gTLD") ".com" must be disregarded for the comparison. Further the addition of the term "assistance" does not change the situation.

Moreover, the Complainant alleges that the Respondent has no rights or legitimate interests in the Disputed Domain Name, as the Respondent is not commonly known by the Disputed Domain Name; that the

Respondent has no relation to the Complainant in any way. The Complainant further alleges that the Respondent was neither licensed nor authorized to make any use of the Complainant's trademarks CAISSE D'EPARGNE, or applied for registration of the Disputed Domain Name by the Complainant.

The Complainant further asserts that, given the distinctiveness of the Complainant's trademarks and reputation, it is inconceivable that the Respondent could have registered the Disputed Domain Name without actual knowledge of the Complainant's rights in the trademarks, which is evidence of bad faith.

The Complainant also contends that the Disputed Domain Name could be used for phishing purposes by the Respondent, and that it is not possible to conceive any plausible actual or contemplated good-faith use of the Disputed Domain Name by the Respondent.

B. Respondent

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

6. Discussion and Findings

The Panel shall now proceed to the analysis of the evidence in this case and shall decide if the Complainant has satisfied the three elements of paragraph 4(a) of the Policy.

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 trademarks 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 CAISSE D'EPARGNE trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the CAISSE D'EPARGNE mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The gTLD ".com" in the Disputed Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Further, the replacement of the space in the trademark with a hyphen, omission of "d", and addition of the term "-assistance" does not prevent a finding of confusing similarity.

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.

In particular and based on the available record, the Panel finds that the Respondent has not used the Disputed Domain Name for a bona fide offering of goods or services; that the Respondent is not commonly known by the Disputed Domain Name; and that the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, it is to be noted that the Respondent did not present evidence of any license or permission by the Complainant, with whom there seems to exist no relationship whatsoever.

In addition, the Panel notes that the composition of the Disputed Domain Name, incorporating the Complainant's distinctive trademark carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

As a conclusion on this point, the Panel finds the second element of the Policy has been established and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

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's Disputed Domain Name has only been registered since January 3, 2025, whereas the Complainant's trademarks are registered since at least April 26, 1991. From the evidence at hand, the Panel finds that the Respondent, when registering the confusingly similar Disputed Domain Name, was aware of the Complainant's trademarks. Therefore, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (See, *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#), *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#)).

The Disputed Domain Name resolves to a website that is blocked by the browser due to potentially harmful materials and possible phishing activities. This constitutes bad faith. See WIPO Case No. [D2024-1847](#), *Carrefour SA v. Jerry Anderson*.

Further, at the time of initial filing of the Complaint, the Respondent is anonymous, which, along with the above-mentioned circumstances, serves as further indication of bad faith registration and use (See [WIPO Overview 3.0](#), section 3.6).

As a consequence of the above, 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 <caisse-epargne-assistance.com> be transferred to the Complainant.

/Christos A. Theodoulou/

Christos A. Theodoulou

Sole Panelist

Date: May 14, 2025