

ADMINISTRATIVE PANEL DECISION

BPCE v. crory ekaya, souslocpro
Case No. D2025-1315

1. The Parties

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

The Respondent is crory ekaya, souslocpro, France.

2. The Domain Name and Registrar

The disputed domain name <caissédépargne.com> (<xn--caissédpargne-hhb.com>) 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 April 1, 2025. On April 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 3, 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 April 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 April 4, 2025.

The Center verified that the Complaint together with the amendment to 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 April 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 2, 2025.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on May 9, 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.

The Complainant is the second largest banking group in France and pursues a full range of banking, financing and insurance activities. It has 105,000 employees and serves a total of 36 million customers.

BPCE is well known in the international market and is present in more than 40 countries via its various subsidiaries.

The Complainant is the owner of numerous trademarks including the following:

- The French word and device trademark CAISSE D'EPARGNE No. 1658134 registered on April 26, 1991 in international classes 9; 16; 28; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45 and duly renewed; and
- The French trademark LA CAISSE D'EPARGNE No. 3155888 registered on March 27, 2002 in international classes 36 and 41 and duly renewed ("the CAISSE D'EPARGNE trademark").

BPCE is also the registrant of the domain name <caisse-epargne.fr>, registered since 2009, whereas the domain name <caisse-epargne.com> registered since 1998 is registered in the name of GCE Technologies, with BPCE as the "Administrative Contact".

The Complainant asserts that these domain names have been used for more than ten years to resolve to the official website of the Complainant, providing its customers with remote access to their respective bank accounts.

The disputed domain name has been registered anonymously on January 5, 2025.

The Complainant sent a cease and desist letter to the Respondent on February 21, 2025 which remains unanswered.

It appears from the disclosed Whois data that the registrant is located in France.

When the Complainant tried to access to the website, it received the message "the site has been blocked by your network administrator (...) block reasons: fishing or other frauds".

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.

On the first element, the Complainant contends that the reproduction of the CAISSE D'EPARGNE trademark in the disputed domain name is sufficient to establish confusing similarity.

On the absence of rights or legitimate interests, it asserts that the Respondent has no rights on the disputed domain name and that it never authorized the Respondent to register or to use any domain name incorporating its CAISSE D'EPARGNE trademark.

On the bad faith registration and use, the Complainant relies on its prior trademark's rights and on its reputation.

It asserts that the choice of the disputed domain name cannot be a mere coincidence, but that the goal was to generate a likelihood of confusion with its CAISSE D'EPARGNE trademark.

The fact that the network administrator blocked the site to which the disputed domain name resolved for security purposes proves bad faith use.

It relies on the prior UDRP decision in the case *Carrefour SA v. J.A.* WIPO case No D2024-1847.

Additionally, the Complainant explains that the Respondent chose to hide its identity when it registered the disputed domain name, and that the information provided on the WhoIs did not allow the Complainant to contact the Respondent.

It relies on a decision stating that deliberately using fictitious or ineffective contact details without any valid reason is bad faith: *Farouk Systems Inc v. David*, WIPO case No D2009-1245.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

- (i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

- (ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

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 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.

Paragraph 4(b) of the Policy accordingly provides that:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

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

In the present case, the Panel notes that the Respondent, being domiciled in France, was well-aware of the Complainant's rights on the well-known CAISSE D'EPARGNE trademark when it decided to register the disputed domain name, which amounts to registration in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

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.

The Respondent did not contest the arguments made by the Complainant.

Especially, it did not contest that a request on the disputed domain name on a search engine resolved to an alert informing that the site was blocked for security purposes. The reason that was indicated is: "*fishing or other frauds*".

Panels have held that the use of a domain name for illegal activities, here claimed as fishing and 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 <caissedépargne.com> (<xn--caissedpargne-hhb.com>) be transferred to the Complainant.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: May 23, 2025