

ADMINISTRATIVE PANEL DECISION

LO IP SA, Banque Lombard Odier & Cie SA v. montaner georges pro
Case No. D2025-1375

1. The Parties

The Complainants are LO IP SA, Banque Lombard Odier & Cie SA, Switzerland, represented by Baker McKenzie Switzerland AG, Switzerland.

The Respondent is montaner georges pro, France.

2. The Domain Name and Registrar

The disputed domain name <gplombardodier.com> (the “Domain Name”) 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 April 4, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 7, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 11, 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 April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on May 8, 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 Complainants are related entities that are part of the Lombard Odier banking group, founded in 1796 in Switzerland. The Lombard Odier group has offered banking services under the LOMBARD ODIER trademark since 1830. The Complainants promote their services through their website at “www.lombardodier.com”.

The Complainant LO IP SA holds trademark registrations for LOMBARD ODIER & CIE (the “LOMBARD ODIER & CIE Mark”) in various jurisdictions including in Switzerland (registration number 412721, registered on October 13, 1994, for financial and monetary affairs in class 36).

The Domain Name was registered on October 26, 2024. The Domain Name resolved to a webpage stating that it is “under construction” and at the date of the decision resolves to a webpage maintained by the Registrar indicating that “it [the Domain Name] has not yet been claimed by a website”. However, the Domain Name has been used in connection with an email address.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, the Complainants contend that:

- a) They are the owner of the LOMBARD ODIER & CIE Mark, having registered the LOMBARD ODIER & CIE Mark in Switzerland and other jurisdictions. The Domain Name is confusingly similar to the LOMBARD ODIER & CIE Mark as it reproduces the distinctive portion of the LOMBARD ODIER & CIE Mark and adds an abbreviation (“gp”) and a generic Top-Level Domain (“gTLD”).
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainants have not granted any license or authorization for the Respondent to use the LOMBARD ODIER & CIE Mark. The Respondent is not commonly known by the LOMBARD ODIER & CIE Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial use.
- c) The Domain Name was registered and is being used in bad faith. There is no plausible circumstance under which the Respondent could legitimately use the Domain Name, which incorporates the distinctive portion of the coined LOMBARD ODIER & CIE Mark, other than in bad faith. Given the longtime use of the LOMBARD ODIER & CIE Mark and the Respondent’s failure to provide an explanation for its use, the Respondent must have been aware of the Complainants’ mark at the time of registration. In such circumstances, the Respondent’s passive holding of the Domain Name amounts to use of the Domain Name in bad faith. Moreover, the Respondent sent emails from the address “[...]@gplombardodier.com” impersonating an employee of the Complainants to defraud individuals and other investors into paying money with them.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Consolidation: Multiple Complainants

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) provides at section 4.11.1, in respect of the issue of “Multiple complainants filing against a single respondent”, that:

“Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

The present proceeding involves two Complainants bringing a single complaint against one Respondent. The Complainants bear the onus of establishing that such a consolidation is justified.

The Panel is satisfied, based on the material filed, that the Complainants have a specific common grievance against the Respondent, in that the Complainants have a common legal interest as related entities that hold and use the LOMBARD ODIER & CIE Mark. The Panel has considered whether it would be equitable and procedurally efficient to permit the consolidation.

The Panel finds that it is equitable and procedurally efficient to grant the Complainants’ request for consolidation. For the remainder of the decision, the Panel will refer to the Complainants in the singular when 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 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the absence of the descriptive element “& cie” (a term commonly used in company names in the francophone world) and the addition of the “gp” may bear on assessment of the second and third elements, the Panel finds the removal of “& cie” and the addition of “gp” does not prevent a finding of confusing similarity between the 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

There is no evidence of any demonstrable preparations to use the Domain Name at all or any other evidence that would give rise to rights or legitimate interests in the Domain Name.

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.

The Panel finds, on the balance of probabilities, that given the nature of the Domain Name containing the distinctive portion of the coined LOMBARD ODIER & CIE Mark, the similarity to Complainant’s domain name <lombardodier.com> and the absence of any explanation for registration of a domain name corresponding with the coined LOMBARD ODIER & CIE Mark, it is most likely that the Respondent was aware of the Complainant and its trademark when registering the Domain Name.

Further, the Panel considers that the record of this case reflects that there is no evidence of any use or demonstrable preparations to use the Domain Name in good faith or for a legitimate purpose.

Having reviewed the record, the Panel notes the reputation and longtime use of the Complainant’s mark, the composition of the Domain Name, and the Respondent’s failure to respond to the Complainant or file a response in these proceedings. The Panel also notes the uncontested evidence in the Complaint suggesting that the Respondent is using false contact details since the address provided is an address of a retail establishment and there are no companies registered to that address.

Finally, Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel considers the Respondent has used the Domain Name in an attempt to impersonate one of the Complainant's employees, to try to obtain funds from investors or individuals that might believe they are handling business with the Complainant.

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 Domain Name <glombardodier.com> be transferred to the Complainant, LO IP SA

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: May 13, 2025