

ADMINISTRATIVE PANEL DECISION

LO IP SA, Banque Lombard Odier & Cie SA v. Lombard odier
Case No. D2025-1377

1. The Parties

The Complainants are LO IP SA, Switzerland (the “First Complainant”), and Banque Lombard Odier & Cie SA, Switzerland (the “Second Complainant”), represented by Baker McKenzie Switzerland AG, Switzerland.

The Respondent is Lombard odier, France.

2. The Domain Name and Registrar

The disputed domain name <lombardodierconseil.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 April 4, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 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 (Name and address of 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2025.

The Center appointed Petra Pecar as the sole panelist in this matter on May 14, 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 First Complainant is a company incorporated under Swiss laws within the Lombard Odier group, which holds the group's intellectual property portfolio connected with its worldwide banking and financial-services activities.

The Second Complainant is a private bank founded in Geneva in 1796 that has since developed into a pre-eminent global provider of wealth-management services.

Both Complainants are acting under the common Lombard Odier corporate umbrella, the First Complainant safeguards the group's intangible assets, while the Second Complainant deploys those assets in delivering international banking and investment services.

The First Complainant is the owner of the word mark LOMBARD ODIER & CIE, protected by International Registration No. 627468 registered on October 13, 1994, designating among others also France, and Swiss Registration No. 412721 registered on October 13, 1994, both covering financial and monetary services in Class 36.

The Lombard Odier group formally operates under the domain name <lombardodier.com>.

The disputed domain name was registered on July 29, 2024 and at the time of the Complaint filing it resolved to an inactive webpage. However, the Complainants provided evidence that the disputed domain name was used for fraudulent purposes.

The Complainants requested to the Registrar the deletion of the disputed domain name via email to the registrar on August 6, 2024 and January 6, 2025.

The Respondent is located in France.

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 disputed domain name.

Notably, the Complainants contend that the addition of the descriptive element "conseil" to the distinctive elements of the mark LOMBARD ODIER & CIE fails to introduce any substantive distinction, such that the disputed domain name will be construed by the public as denoting an association with Lombard Odier, thereby infringing the Complainants' rights in the mark.

The Complainants assert that the Respondent has no rights or legitimate interests in the disputed domain name, no affiliation with or authorization from Lombard Odier to register the disputed domain name, and no basis to retain the disputed domain name absent any bona fide use.

The Complainants contend that the Respondent registered and uses the disputed domain name in bad faith. The disputed domain name incorporates their LOMBARD ODIER mark with only the word "conseil" added, making confusion and likely to diverted traffic. A phishing email sent from "[...]"@lombardodierconseil.com" address, impersonating the Complainants' employee, shows its fraudulent use. The Respondent has no

legitimate interest in the disputed domain name, so its registration and use are classic domain squatting intended to mislead users. By providing only an address that corresponds to a highway, where the Complainants have no branch, the Respondent appears to conceal its identity, indicating bad faith domain name registration. Accordingly, the registration and use of the disputed domain name constitute bad faith conduct.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Procedural Issues

6.1.1. Consolidation of Multiple Complainants

Pursuant to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, the consolidation of multiple complainants filing a joint complaint against one or more respondents is subject to the discretion of the appointed panel. In assessing whether a complaint filed by multiple complainants may be brought against one or more respondents, the appointed panel should consider 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 Panel finds that the disputed domain name targets LOMBARD ODIER & CIE marks owned by the First Complainant. The First Complainant and the Second Complainant are affiliated companies, both are part of the Lombard Odier group. The registration and use of the disputed domain name affects both Complainants, and they therefore have a common grievance against the Respondent. The Panel considers that it is fair and equitable and procedurally efficient under the circumstances of the case to permit the consolidation, as the Complainants have a specific common grievance against the Respondent, since their rights are affected by the disputed domain name. Consequently, the Panel allows the Complainants to proceed jointly with their Complaint.

6.2. Findings

As the Respondent did not file a Response to the Complainants' contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainants.

"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", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainants are required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used by the Respondent in bad faith.

6.3. Substantive Issues

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 3.0](#), section 1.7.

The Complainants have shown rights in respect of a service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the LOMBARD ODIER & CIE mark is recognizable 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. The omission of the ampersand, which use is not permitted in domain names, and of the element "CIE" constitutes a minor variation that does not prevent recognizability under [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term "conseil", which is a French word meaning "advice" and commonly used to denote advisory or consulting services in the banking sector, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

Furthermore, it is well accepted practice by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take into consideration the gTLD ".com" when assessing confusing similarity of the disputed domain name.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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.

According to the Complainants, the Respondent is neither affiliated with nor otherwise connected to the Complainants and has never been licensed or authorized to use, register, or incorporate the Complainants' LOMBARD ODIER & CIE marks in any domain name. The Respondent has failed to file a response and has therefore submitted no evidence capable of establishing any prior rights or legitimate interests in the disputed domain name. The disputed domain name resolved to an inactive webpage, and there is no indication of any bona fide commercial or noncommercial use. The Complainants have presented evidence of emails sent from the "[...]"@lombardodierconseil.com" address, impersonating the Complainants' employee. Such correspondence is consistent with the fraudulent schemes that target the Complainants and confirms that the Respondent is exploiting the disputed domain name for deceptive purposes.

Panels have held that the use of a domain name for impersonation 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 disputed domain name reproduces the dominant element "LOMBARD ODIER" of the Complainants' registered marks LOMBARD ODIER & CIE, followed by the descriptive term "conseil" and the ".com" gTLD. The term "conseil" is a French word meaning "advice," commonly used in banking and finance to denote advisory services; as a purely descriptive element, it adds no distinctive character and does not dispel the likelihood of confusion created by the unauthorized use of the Complainants' marks.

The Complainants' rights in LOMBARD ODIER & CIE predate the registration of the disputed domain name by approximately 30 years. The Panel finds that the Respondent was fully aware of the Complainants and their rights when selecting and registering the disputed domain name. The composition of the disputed domain name was plainly chosen to evoke an association with the Complainants' banking services and to mislead Internet users as to source, sponsorship or affiliation.

As regards the disputed domain name use, the evidence shows that the Respondent has used email address "[...]"@lombardodierconseil.com" to impersonate the Complainants' employee for sending emails in French language, a tactic consistent with fraudulent schemes that regularly target this well-known companies. The Respondent is an unrelated third party with no rights or legitimate interests in the Complainants' mark and selected the Complainants' Lombard Odier bank's name together with the descriptor "conseil" solely to create a misleading association and solicit funds.

For these reasons, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the UDRP.

Panels have held that the use of a domain name for impersonation 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 Complainants have 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 <lombardodierconseil.com> be transferred to the First Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: May 27, 2025