

ADMINISTRATIVE PANEL DECISION

BPCE v. Dmytryj Zamyshlyaev

Case No. D2025-1403

1. The Parties

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

The Respondent is Dmytryj Zamyshlyaev, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <bpce-ru.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 9, 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 18, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 16, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on May 20, 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.

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition. The Respondent is located in Ukraine. As Ukraine is currently involved in international conflict, the Panel has considered whether these conditions have been satisfied. The Panel observes in this respect that, using the contact details supplied by the Registrar, the Center's email notice regarding the commencement of the proceedings was successfully delivered to the Respondent's disclosed email address. In these circumstances, the Panel concludes that the Respondent has had a fair opportunity to present a case, and this administrative proceeding can be continued without prejudice to either Party.

4. Factual Background

The Complainant is one of the largest banking groups in France, working through its two major banking networks, Banque Populaire and Caisse d'Épargne as well as different subsidiaries. It has more than 105,000 employees and serves 36 million customers. It is present in more than 40 countries via its various subsidiaries.

The Complainant is the owner of various trademark registrations for the BPCE brand (hereafter the "BPCE Trademark"), including the following:

- European Union Trade Mark No. 008375842 for BPCE (word mark), registered on January 12, 2010;
- French Trademark Registration No. 3653852 for BPCE (word mark), registered on May 29, 2009; and
- United States Trademark Registration No. 5743541 for GROUPE BPCE (word and device mark), registered on May 7, 2019.

The Complainant also owns directly and through its subsidiaries domain names which comprise the BCPE Trademark including, <bpce.fr> registered in 2008 and <groupebpce.com> registered in 2009 (which directs to the Complainant's institutional portal).

The disputed domain name was registered on August 11, 2023.

According to the Complaint, the disputed domain name previously resolved to a website with pornographic content. The mail exchange ("MX") servers of the disputed domain name are activated. At the date of this Decision, the Panel notes that the disputed domain name resolves to an inactive error page.

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.

First, the Complainant asserts that the disputed domain name is confusingly similar to the BPCE Trademark as it incorporates the trademark in its entirety, with the mere addition of a hyphen followed by the letters "ru" (which may refer to "Russia" or "Royaume Uni", i.e. "United Kingdom" in French) which does not diminish the risk of confusion. The generic Top-Level Domain ("gTLD"), ".com" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the BCPE Trademark.

Second, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has no trademark or trade names corresponding to the disputed domain

name and has not received any authorization, license, or consent, be it directly or indirectly, to register or use the BPCE Trademark, including in, or as part of, a domain name.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant submits that, taking into account the reputation of the BPCE Trademark, the Respondent must have been aware of the Complainant's trademarks at the time it registered the disputed domain name. The Complainant submits that the Respondent registered the disputed domain name to generate confusion with the BPCE Trademark. Besides, the Complainant further submits that the disputed domain name previously resolved to a website displaying pornographic content. It also submits that the MX servers have been activated in connection with the disputed domain name, which allows the Respondent to create email addresses using the disputed domain name for phishing attack (which is of particular concern in the banking business given the sensitive nature of the data processed). The Complainant also submits that the Respondent tried to hide its address and the address given by the Respondent when registering the disputed domain name seems incorrect (wrong spelling of the city and wrong zip code).

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Dealing with the Respondent's failure to file a formal Response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has 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 in bad faith.

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 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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the BPCE Trademark is reproduced within the disputed domain name, with the mere addition of a hyphen followed by the two letters "ru". Although the addition of these elements may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the disputed domain name and the BPCE Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the gTLD ".com" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the BPCE Trademark.

Accordingly, the disputed domain name is confusingly similar to the BPCE Trademark for the purposes of the Policy.

Based on the available record, 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.

The Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the BPCE Trademark with the mere addition of a hyphen and the letters “ru” (which may refer to the two-letter code for Russia as further supported by the email address disclosed by the Registrar for the Respondent being “[...]@mail.ru”) and as such carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant (if ever put in use, Internet users would likely believe that the disputed domain name redirects to the Complainant’s website for Russia).

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.

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 notes that the Respondent has composed the disputed domain name by combining the Complainant’s BPCE Trademark with a hyphen followed by the letters “ru”, which may refer to the country code for the Russia as further supported by the email address disclosed by the Registrar for the Respondent being “[...]@mail.ru”. By doing so, the disputed domain name, if ever put in use, would likely confuse Internet users into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant. The registration of the disputed domain name creates a likelihood of confusion with the Complainant and its BPCE Trademark. In the circumstances, and in the absence of any explanation from the Respondent for its choice of the disputed domain name, the Panel can

only reasonably infer that the Respondent registered the disputed domain name in the knowledge of the Complainant's Trademark and with the intention of taking unfair advantage of the goodwill attached to it by causing confusion among Internet users.

Besides, the Panel notes that a quick search for the letters "bpce" online would have revealed to the Respondent the existence of the Complainant and its BPCE Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's BPCE Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark and (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. In this respect, the Panel notes the distinctiveness of the BPCE Trademark (BPCE is a coined term that is inherently distinctive and is well-known at least in Europe), the composition of the disputed domain name (which includes the BPCE Trademark in its entirety with the mere addition of a hyphen and the "ru" letters), the failure of the Respondent to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. The Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of 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 <bpce-ru.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: May 27, 2025