

ADMINISTRATIVE PANEL DECISION

BPCE v. Name Redacted

Case No. D2025-1407

1. The Parties

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

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <caisse-depargne-banxo.org> is registered with CloudFlare, Inc. (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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 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 8, 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST- 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 8, 2025.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on May 15, 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.

On May 22, the Center received an email from the named Respondent's representative claiming an identity theft and alleging that he had not registered the disputed domain name.

4. Factual Background

The Complainant is a French group which is responsible in particular for the French bank Caisse d'Epargne.

The Complainant is the owner in particular of the European Union trade mark CAISSE D'EPARGNE (and squirrel device) registration number 637504, registered on April 8, 1999.

The disputed domain name was registered on January 8, 2025. It is subject to an alert by the Internet browser, when users try to access it, for suspicion of possible distribution of malware.

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 of the Policy, the Complainant contends that the disputed domain name is confusingly similar to the earlier trade marks CAISSE D'EPARGNE. It adds that the addition of the word "banxo", which "means information", does not prevent a finding of likelihood of confusion. Indeed, "the identical reproduction of the trade marks in the disputed domain name is sufficient to establish confusing similarity."

According to the Complainant, the trade marks CAISSE D'EPARGNE are well-known in France.

Regarding the second element of the Policy, the Complainant states in particular that the Respondent has no trade marks or trade names corresponding to the disputed domain name, and that he was never authorized to register and/or use any domain name incorporating its trade marks.

Finally, on the third element of the Policy, the Complainant argues that the disputed domain name was registered and used in bad faith. It highlights in particular that the disputed domain name resolves to a website that is blocked by the browser due to potentially harmful materials and possible phishing activities.

B. Respondent

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

6. Discussion and Findings

As a preliminary remark, the Panel is satisfied that the named Respondent was the victim of an identity theft: his name and professional address were verified by the Panel. Hence, the Respondent's name is redacted in this decision.

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 trade mark 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 trade mark 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. The omission of the punctuation mark between the letters "D" and "EPARGNE" is anecdotal and linked to technical constraints. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "banxo", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Besides, Panels have held that the use of a domain name for illegitimate activity, such as here, claimed distributing malware, 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.

As a preliminary remark, the Panel notes that the Complainant provided inaccurate information regarding the meaning of the word “banxo”, which is included in the disputed domain name.

Indeed, unlike stated by the Complainant, the word “banxo” does not mean “information”. As the Complainant did not indicate in which language this word had an alleged meaning, the Panel conducted limited searches and was unable to find any descriptive meaning for this word. On the contrary, it appears that “banxo” is the name of a mobile application which allows the customers of the Complainant to access their banking services. BANXO is even registered as a trade mark, at least in France.

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.

Regarding bad faith registration, the combination of the trade mark of the Complainant, and of the name of the mobile application which provides access to the banking services of the Complainant, is clear evidence that the Respondent targeted the Complainant when registering the disputed domain name.

Regarding the use of the disputed domain name in bad faith:

In particular, 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. Having reviewed the available record, the Panel notes the composition of the disputed domain name, which combines two trade marks of the Complainant, and 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. Clearly, when faced with a domain name which combines the name of a bank and of an online access offered by said bank, users can only attribute an official, legitimate origin to such domain name.

Also, panels have held that the use of a domain name for illegal activity here, claimed *distributing malware*, constitutes bad faith. This risk is evidenced in the Complaint and is recurrent in the banking sector. [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.

Finally, it appears that the Respondent has used the contact details from a third party when registering the disputed domain name, which is additional evidence of bad faith conduct.

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-depargne-banxo.org> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: May 29, 2025