

ADMINISTRATIVE PANEL DECISION

Confédération Nationale du Crédit Mutuel (CNCM) v. olivia tome / olivia corp
Case No. D2025-1860

1. The Parties

The Complainant is Confédération Nationale du Crédit Mutuel (CNCM), France, represented by MEYER & Partenaires, France.

The Respondent is olivia tome / olivia corp, France.

2. The Domain Name and Registrar

The disputed domain name <creditmutuel-contact.com> is registered with Sav.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 9, 2025. On May 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 9, 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 May 14, 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 amendments to the Complaint respectively on May 14 and 15, 2025.

The Center verified that the Complaint together with the amendments to the 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 May 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 12, 2025.

The Center appointed Elise Dufour as the sole panelist in this matter on June 18, 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 is a well-known leading French banking and insurance services group, which provides its services to 12 million clients for more than a century – through a network of 3178 offices – under the trademark CREDIT MUTUEL.

The CREDIT MUTUEL trademark has been in use and registered both at a national and international level worldwide – see as mere example the following registrations:

- French Trademark No. 1475940 registered on July 8, 1988, in classes 35 and 36;
- French Trademark No. 1646012 registered on November 20, 1990, in classes 16, 35, 36, 38 and 41;
- European Union Trade Mark No. 18130619 registered on May 22, 2020, in classes 7, 9, 16, 35, 36, 38, 41 and 45.

The Complainant also owns, among others, the domain name <creditmutuel.com> registered since 1995.

The disputed domain name was registered on January 10, 2025, and currently resolves to an error page.

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has satisfied all the requirements under the Policy to justify a transfer of the disputed domain name. It maintains that the disputed domain name is identical or at least confusingly similar to the trademark CREDIT MUTUEL.

It is well established that generic Top-Level Domains ("gTLDs"), such as ".com", should not be taken into consideration when comparing a domain name to a trademark. As such, the gTLD is to be disregarded in the comparison.

The trademark CREDIT MUTUEL is identically reproduced and clearly perceptible in the root of the disputed domain name. The only difference is the addition of a hyphen and the term "contact", which is a generic and commonly used word in both French and English, typically associated with communication or customer service, and thus does not add any distinctive character.

The Complainant affirms that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no affiliation with the Complainant, is neither its agent nor a business partner, and has never been authorized to use the trademark CREDIT MUTUEL. The Respondent has never been commonly known under the names "CREDIT MUTUEL" or "CREDIT MUTUEL CONTACT", and has received no license or permission to register or use the disputed domain name.

Furthermore, the Complainant stresses that the disputed domain name currently resolves to an error page, which does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use under paragraphs 4(c)(i) and 4(c)(iii) of the Policy.

The Complainant contends that the disputed domain name was registered and is used in bad faith. Given the well-known character of the CREDIT MUTUEL trademark, the Respondent could not have ignored it when registering the disputed domain name, which reproduces the mark in its entirety with the addition of the generic term "contact." This deliberate targeting suggests an intent to mislead or exploit user confusion.

The use of a privacy shield to conceal identity further supports bad faith, particularly in the banking sector where risks of phishing are heightened. Although the disputed domain name does not resolve to active content, its passive holding, combined with MX and SPF configurations enabling email communication, indicates a potential for harmful use.

In light of these elements — reputation of the mark, lack of legitimate use, concealment of identity, and risk of deception — the Complainant concludes that the disputed domain name was registered and is being used in bad faith under the UDRP.

B. Respondent

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

6. Discussion and Findings

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 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 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, "contact" and a hyphen, 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 Complainant further contends that the Respondent does not make any bona fide use - neither commercial nor noncommercial, of 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.

In the present case, the Panel notes that the composition of the disputed domain name indicates that the Respondent was aware of the CREDIT MUTUEL trademark prior to registration of the disputed domain name.

Panels have found that the non-use of a domain name (including an index page that directs to a "forbidden" access page) would not prevent a finding of bad faith under the doctrine of passive holding; this is especially so when the disputed domain name is inherently misleading. 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, (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.

Having reviewed the available record, the Panel notes (i) the distinctiveness and reputation of the Complainant's trademark, (ii) the inherently misleading composition of the disputed domain name, (iii) the enabling of an MX capability based on the disputed domain name, and (iv) the Respondent's failure to respond to the Complaint, 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.

Based on the available record, 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 <creditmutuel-contact.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: July 3, 2025