

## **ADMINISTRATIVE PANEL DECISION**

Crédit Foncier de France v. waniss mhaber  
Case No. D2025-1975

### **1. The Parties**

The Complainant is Crédit Foncier de France, France, represented by KALLIOPE Law Firm, France.

The Respondent is waniss mhaber, Morocco.

### **2. The Domain Name and Registrar**

The disputed domain name <creditfoncier.info> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2025. On May 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 2025 the Registrar transmitted by email to the Center its verification response registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy service provided by Withheld) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 May 20, 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 May 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 11, 2025.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on June 23, 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 French national mortgage bank established in 1852, serving a total of 36 million customers in France. The Complainant owns registered trademarks in CRÉDIT FONCIER, including:

French Trademark No. 3194024 for  , registered on November 12, 2002, in International Classes 35, 36, 42, and 45;

French Trademark No. 3796582 for  , registered on January 11, 2011, in International Classes 35, 36, 37, 41, 42, 43, and 45; and

European Union Trademark No. 018992050 for  , registered on June 28, 2024, in International Class 36.

In addition, the Complainant owns domain names containing the CRÉDIT FONCIER mark, including <creditfoncier.fr> and <creditfoncier.org>.

The Respondent is a certain individual based in Morocco. The disputed domain name was registered on March 16, 2025, well after the Complainant secured rights in the marks. The disputed domain name does not resolve to an active website. However, evidence submitted by the Complainant demonstrates that Mail Exchange (“MX”) records have been activated for the disputed domain name.

On April 25, 2025, the Complainant’s lawyer issued a cease-and-desist letter to the registrar requesting this letter to be forwarded to the Respondent. This letter remained unanswered.

#### 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.

With respect to the first element, the Complainant contends that it has rights in the mark CRÉDIT FONCIER and that the disputed domain name is confusingly similar to this mark because it is composed of it. In addition, the Complainant claims that the generic Top-Level Domain (“gTLD”) “.info” should not be taken into account when assessing the likelihood of confusion between the signs.

Regarding the second element, the Complainant claims that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant points out that they never granted the Respondent any license, nor any authorization to use its CRÉDIT FONCIER trademarks, including to register and/or use any domain name incorporating the same.

With respect to the third element, the Complainant claims first that its CRÉDIT FONCIER trademarks are well known in France and throughout the world, as confirmed in previous UDRP decisions. Consequently, according to the Complainant, the choice of the disputed domain name does not seem to be a mere coincidence, but on the contrary seems to have been done on purpose to generate a likelihood of confusion with the CRÉDIT FONCIER trademarks and the Complainant’s existing domain names. Secondly, the Complainant points out that the currently inactive status of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding. Thirdly, the Complainant claims that the activation of MX records for the disputed domain name also indicates bad faith since it allows the Respondent to use the disputed domain name for email phishing attacks. Finally, the Complainant notes that the Respondent used a privacy service to register the disputed domain name, which also indicates bad faith.

## **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 the CRÉDIT FONCIER mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. It should be noted that all CRÉDIT FONCIER trademarks which the Complainant relies on are figurative, however these can be taken into account to show "rights in a mark" as well since the dominant elements of the trademarks are the word elements "Crédit Foncier". It is a consensus view of UDRP panels, with which the Panel agrees, that trademark registrations with design elements can prima facie satisfy the requirement that a complainant shows "rights in a mark" so long as the textual elements are not overtaken. [WIPO Overview 3.0](#), section 1.10.

The entirety of the CRÉDIT FONCIER mark is reproduced within the disputed domain name, albeit without the acute accent mark on the "e" of "credit". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Finally, as for the applicable gTLD ".info", the Panel holds that this can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 Panel finds that the Respondent does not use, or has not made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of services and neither makes a legitimate noncommercial or fair use of the disputed domain name. The overall facts and circumstances of the case do

not show a bona fide offering of services or legitimate noncommercial or fair use either. Since its registration, the disputed domain name has not resolved to an active website. Furthermore, there is a high risk of implied affiliation here since the disputed domain name is identical the Complainant's CRÉDIT FONCIER trademarks.

In addition, the Complainant confirmed that the Respondent is not affiliated with the Complainant in any way, nor has the Complainant licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's trademarks. The Panel has taken note of the Complainant's confirmation in this regard and has not seen any evidence that would suggest the contrary. In the absence of any license or permission from the Complainant to use its trademarks, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#); and *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

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 Respondent does not rely on any of the circumstances listed in paragraph 4(b) of the Policy. However, it should be noted that 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 that other circumstances may be relevant as well 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.

The Panel agrees with the Complainant that the Respondent knew or, at least, should have known at the time of registration that the disputed domain name included the Complainant's CRÉDIT FONCIER trademark. As demonstrated by the Complainant, the CRÉDIT FONCIER trademarks were registered many years before the registration of the disputed domain name and since the disputed domain name incorporates the CRÉDIT FONCIER mark in its entirety, it is likely that the Respondent had this mark in mind when registering the disputed domain name. This is an indicator of bad faith (see [WIPO Overview 3.0](#), sections 3.2.1 and 3.2.2).

Moreover, 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 reputation of the Complainant's CRÉDIT FONCIER trademark as well as the composition of the disputed domain name 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.

With respect to the activation of MX records for the disputed domain name, the Panel finds that while this may be an indication that the disputed domain name has been registered for fraudulent purposes (namely to conduct email phishing attacks), there is no evidence on file that confirms this. Hence, the Panel is unable to conclude that the disputed domain name has been used for any illegal or illegitimate activity which would further support a finding of bad faith. [WIPO Overview 3.0](#), sections 2.13 and 3.4.

However, finally, the use of a privacy service to register the disputed domain name and the Respondent's failure to submit a response do serve as further indicators of bad faith. [WIPO Overview 3.0](#), section 3.6.

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 <creditfoncier.info> be transferred to the Complainant.

*/Benoit Van Asbroeck/*

**Benoit Van Asbroeck**

Sole Panelist

Date: June 25 2025