

ADMINISTRATIVE PANEL DECISION

BPCE v. Daniel Commerly
Case No. D2025-2198

1. The Parties

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

The Respondent is Daniel Commerly, France.

2. The Domain Name and Registrar

The disputed domain name <hexarqbpc.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 5, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 11, 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 (My Domain Provider) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent an email to the Center on June 12, 2025. The Complainant filed an amended Complaint on June 13, 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 June 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2025. However, the Respondent did not file any formal response. The Center notified the commencement of panel appointment process on July 7, 2025.

The Center appointed Elise Dufour as the sole panelist in this matter on July 9, 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 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 for services in class 36;
- French Trademark Registration No. 3653852 for BPCE (word mark), registered on November 6, 2009 for services in classes 9, 16, 35, 36, 38, 41 and 45, duly renewed; and
- International Trademark BPCE (figurative) registered under number 1033662 on December 15, 2009, for services in class 36, duly renewed;

The Complainant also owns directly and through its subsidiaries domain names which comprise the BPCE 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 June 4, 2025. The disputed domain name directs to a parking page, and MX servers are set up.

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.

Notably, the Complainant claims that the disputed domain name is confusingly similar to its earlier trademark BPCE. Indeed, the disputed domain name contains the well-known trademark BPCE in its entirety with the prefix "hexarq", which is the name of a BPCE's new subsidiary. These additional element does not prevent a finding of confusing similarity.

On the contrary, the addition of the word "hexarq" before "bpce" refers directly to "Hexarq", a BPCE subsidiary will clearly emphasizes rather than undermines the connection of the disputed domain name with the Complainant and therefore contributes to enhance the likelihood of confusion.

The Complainant further contends that the Respondent has no trademarks or trade names corresponding to the disputed domain name and the Complainant has never authorized the Respondent to register and/or use any domain name incorporating the trademark.

The Complainant has not granted any license, nor any authorization to use the trademark, including as a domain name.

Third, the Complainant claims that the disputed domain name was registered and is being used in bad faith. The Complainant contends that BPCE and its subsidiaries are well known in France and through the world, notably by the financial and banking market consumers. Consequently, the Complainant contends that, as the Complainant's BPCE trademarks are well-known, 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 between the disputed domain name and the trademarks.

The Complainant contends that MX activation allows the Respondent to create email addresses using the disputed domain name for phishing attack. Therefore, the use of the MX registration leads to conclude to the fraudulent intent of the Respondent which constitutes bad faith.

The Complainant contends that the disputed domain name was registered anonymously which also demonstrates the bad faith of the Respondent.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. On June 12, 2025, the Respondent sent an email to the Center stating that: "Hi, Sorry but we don't understand the purpose of your last email. Can you explain us what is the problem occurred? You are talking about a Complaint but we did not make it so if you can send us more details please."

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 BPCE mark is entirely 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 term, here "hexarq", 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.

The Panel finds that 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.

Based upon 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 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 Respondent has shown that its BPCE trademarks have been registered and used for years and are well-known in the financial and banking industry. (See *BPCE v. Emmanuel Asamoah*, WIPO Case No. [D2022-3866](#) regarding "The trademarks are well-known in France and throughout the world.").

In addition, given that the Respondent is based in France, it cannot reasonably claim to have been unaware of the Complainant's rights at the time of registering the disputed domain name. The Respondent's knowledge of the Complainant is confirmed by the fact that the disputed domain name consists of the Complainant's subsidiary's name and the Complainant's BPCE Trademark.

Furthermore, the use of the confusingly similar disputed domain name to resolve to a parking page does not prevent a finding of bad faith under the doctrine of passive holding. The Panel notes the distinctiveness or reputation of the Complainant's trademark, and 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. Section 3.3 of the [WIPO Overview 3.0](#).

Moreover, the Complainant has produced evidence showing that the Respondent had set up MX servers in relation with the disputed domain name, which suggests that the Respondent may use it as an email address, which could further be an indication of bad faith.

Finally, the failure of the Respondent to answer the Complaint or take any part in the present proceedings, again, in the view of the Panel and under the circumstance of this case, is another indication of bad faith on the part of the Respondent. See *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#).

Therefore, taking all these particular facts and circumstances into account, and for all the above-mentioned reasons, as well as the arguments advanced by the Complainant in its contentions, as set out above, and also based on the previous UDRP cases cited above, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

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 <hexarqbpce.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: July 23, 2025