

ADMINISTRATIVE PANEL DECISION

BPCE v. Chen Jack

Case No. D2025-2437

1. The Parties

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

The Respondent is Chen Jack, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <energeco-bpce.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 June 26, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 18, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on August 11, 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 major banking group in France and pursues a full range of banking, financing and insurance activities, working through its two Banque Populaire and Caisse d'Epargne cooperative banking networks and through its different subsidiaries.

The Complainant is the owner of several trademarks for BPCE ("BPCE Trademark"), including:

- European Union Trademark Registration BPCE No. 8375875, registered on January 12, 2010,
- European Union Trademark Registration BPCE No. 8375842, registered on January 12, 2010, and
- French Trademark Registration BPCE No. 3653852, registered on November 6, 2009.

The Complainant is also owner of domain names including the BPCE trademark, such as the domain name <bpce.fr>, registered on November 27, 2008.

The disputed domain name was registered on May 20, 2025. At the time of the Decision and when the Complaint was filed, the disputed domain name resolved to an inactive website.

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 claims that the disputed domain name is confusingly similar to the BPCE trademark as it fully incorporates the BPCE Trademark. The disputed domain name contains the BPCE Trademark in its entirety with the prefix "energeco" and the Top-Level-Domain ".com". These additional elements do not prevent a finding of confusing similarity. Rather, "energeco" refers to "BPCE Energeco", a subsidiary of the Complainant.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. 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 BPCE Trademark. The Complainant has not granted any license, nor any authorization to use the BPCE Trademark, included as a domain name. It is clear that the Respondent's use of the disputed domain name does not qualify as a bona fide offering of goods and services.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The registrations of the BPCE Trademark pre-date the registration of the disputed domain name. The Complainant and its subsidiaries are well known in France and through the world, notably by the financial and banking market consumers. Indeed, the previous UDRP panels have already recognized the reputation of BPCE and its subsidiaries in previous decisions. Consequently, 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 BPCE Trademark. Further, the

disputed domain name leads to an inaccessible website, so that the doctrine of passive holding is applicable in the present case. Moreover, the Whols of the disputed domain name is anonymous, the information on the registrant is hidden by the Registrar, which also results in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed with the Complaint, namely that:

- (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 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 disputed domain name contains the BPCE Trademark in its entirety, with the only addition of the term "energeco" and a hyphen. The Panel finds the mark is recognizable within the disputed domain name. The addition of a hyphen does not prevent a finding of identity or confusing similarity (see *The Channel Tunnel Group Ltd. v John Powell*, WIPO Case No. [D2000-0038](#)). The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the BPCE Trademark. The Panel finds on record that there are no indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights or legitimate interests in the disputed domain name. Further, the disputed domain name is not used for a bona fide offering of goods or services. Rather, the disputed domain name solely contains the BPCE Trademark and the additional term “energeco”, which as combined corresponds to the name of a subsidiary of the Complainant, “BPCE Energeco”.

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 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.

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.

In the present case, the disputed domain name incorporates the BPCE Trademark in its entirety and the BPCE Trademark was registered decades before the registration of the disputed domain name. Internet users may think the disputed domain name is connected to the Complainant and would resolve to a website related to the Complainant because the disputed domain name combines the BPCE Trademark with the additional term “energeco” which corresponds to “BPCE Energeco”, a subsidiary of the Complainant.

At the time of this Decision and at the time the Complaint was filed, the disputed domain name does not resolve to any active webpage which does not prevent a finding of bad faith. From the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. While panels 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 the distinctiveness and reputation of the BPCE Trademark, the composition of the disputed domain name, containing the BPCE Trademark in its entirety and the additional element “energeco”, which shows the Respondent’s intention to target the BPCE Trademark, the Complainant and its subsidiary “BPCE Energeco”, the failure of the Respondent to submit a

response, 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.

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 <energeco-bpce.com> be transferred to the Complainant.

/Christian Gassauer-Fleissner/

Christian Gassauer-Fleissner

Sole Panelist

Date: September 1, 2025