

ADMINISTRATIVE PANEL DECISION

BPCE v. zack levy
Case No. D2025-2735

1. The Parties

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

The Respondent is zack levy, France.

2. The Domain Names and Registrar

The disputed domain names <bpce-infomail.com>, <bpce-infomail.info>, <bpce-infomail.net>, <bpce-infoservice.com>, <bpce-infoservice.net>, <bpce-mail.info>, <bpce-mailinfo.com>, <bpce-mailinfo.net>, <bpce-mailinfo.org>, <bpce-notifications.com>, <bpce-notifications.net>, <bpce-notifications.online>, <bpce-notification.email>, <bpce-notification.info>, <bpce-notification.net>, <bpce-pass.com>, <bpce-pass.net>, <bpce-service.app>, <bpce-service.com>, <bpce-service.net>, <bpceservice.net>, <bpce-service.online>, <bpceservice.online>, <bpce.services>, <bpceservices.com>, <bpceservices.online>, <notification-bpce.app>, <notification-bpce.email>, <notification-bpce.net>, and <notification-bpce.pro> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 11, 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 July 15, 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 July 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 18, 2025.

The Center appointed Alexandre Nappey as the sole panelist in this matter on August 28, 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, BPCE, is a French joint stock company acting as the central institution responsible for the two banking networks Banques Populaires and Caisses d'Epargne with its head office in Paris.

BPCE, is one of the largest banking groups in France and pursues a full range of banking, financing and insurance activities, working through its two major Banque Populaire and Caisse d'Epargne cooperative banking networks and through its different subsidiaries. BPCE has put down deep roots in its local markets. Its 105,000 employees serve a total of 36 million customers, nine of whom have decided to become cooperative shareholders.

BPCE is well known in the international market and is present in more than 40 countries via its various subsidiaries.

BPCE is the owner of numerous trademarks including the following:

- The European Union trademark  **BPCE** registered under number 8375875 on January 12, 2010, for services in class 36 (live);
- The European Union trademark BPCE registered under number 8375842 on January 12, 2010, for services in class 36 (live);
- The French trademark  **BPCE** registered under number 3653852 on May 29, 2009, for services in classes 9, 16, 35, 36, 38, 41 and 45 (live);
- The International trademark  **BPCE** registered under number 1033662 on December 15, 2009, for services in class 36 (live);
- The United States of America trademark  **GROUPE BPCE** registered under number 5743541 on May 7, 2019, for services in class 36 (live).

The Complainant also owns directly or through a dedicated subsidiary many domain names with the term "bpce", such as <bpce.fr>, registered on November 27, 2008.

The disputed domain names were respectively registered on:

- <bpce-notifications.net> registered on June 26, 2025;
- <bpcservice.net> registered on June 26, 2025;
- <bpce-service.net> registered on June 26, 2025;
- <bpcservices.online> registered on June 26, 2025;
- <bpce-notifications.online> registered on June 26, 2025;
- <bpce-service.online> registered on June 26, 2025;
- <bpce-service.app> registered on June 26, 2025;
- <bpcservice.online> registered on June 26, 2025;
- <bpce-service.com> registered on June 26, 2025;

<bpce-notifications.com> registered on June 26, 2025;
<bpce.services> registered on June 7, 2025;
<bpcservices.com> registered on June 7, 2025;
<bpce-infoservice.net> registered on June 4, 2025;
<bpce-infoservice.com> registered on June 4, 2025;
<bpce-mailinfo.net> registered on May 26, 2025;
<bpce-mailinfo.com> registered on May 26, 2025;
<bpce-mailinfo.org> registered on May 26, 2025;
<bpce-mail.info> registered on May 26, 2025;
<bpce-infomail.info> registered on May 26, 2025;
<bpce-infomail.net> registered on May 15, 2025;
<bpce-pass.net> registered on May 15, 2025;
<notification-bpce.app> registered on May 16, 2025;
<notification-bpce.pro> registered on May 16, 2025;
<notification-bpce.email> registered on May 16, 2025;
<notification-bpce.net> registered on May 16, 2025;
<bpce-infomail.com> registered on May 15, 2025;
<bpce-pass.com> registered on May 15, 2025;
<bpce-notification.net> registered on April 30, 2025;
<bpce-notification.info> registered on April 30, 2025;
<bpce-notification.email> registered on April 30, 2025.

Some of the disputed domain names did not resolve to any active website, and some of them resolved to parking pages with pay-per-click (PPC) links. At the time of the Decision, they resolve respectively to an error page or for <bpcservice.net>, <bpcservices.online> and <bpcservice.online> to a parking page.

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 names.

First, the Complainant contends that the disputed domain names reproduce the Mark, in which it has rights, and are confusingly similar to the Mark insofar as the disputed domain names contain the Mark and that the addition of various descriptive words such as "notifications", "notifcations", "service", "services", "mail", "infomail", "pass" and a hyphen before or after the Mark is not capable of dispelling the confusing similarity, as the Mark remains recognizable in the disputed domain names.

The Complainant then contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names and never had any affiliation with the Complainant (which never authorized the Respondent to use the Mark in any manner).

At last, the Complainant contends that the Respondent had knowledge of the Mark and registered the disputed domain names in bad faith and is also using them in bad faith under the passive holding doctrine.

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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the Mark is recognizable within the disputed domain names, despite the Mark being e.g. either preceded or followed by the word "notification", "notifications", "service", "services", "mail", "infomail" or "pass" and a hyphen in some names.

Accordingly, the disputed domain names are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of another element may bear on assessment of the second and third elements, the Panel finds the addition of such element does not prevent a finding of confusing similarity between the disputed domain names and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Regarding the generic Top-Level Domains ("gTLD") e.g. ".com", ".net", ".online", ".pro", ".app", ".email" or ".services" in the disputed domain names, it is well established that a gTLD does not generally affect the assessment of a domain name for the purpose of determining identity or confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the first element of the Policy has been established.

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 Panel notes that for the registration of the disputed domain names, the name "zack levy" was provided by the Respondent. The Complainant provided evidence of a pattern of conduct by this person, or entity with such a name, whose various domain name registrations have been ordered to be transferred to in prior

UDRP decisions at the request of the Complainant (*BPCE v. zack levy*, WIPO Case No. [D2024-2786](#), and *BPCE v. Zack Levy*, WIPO Case No. [D2024-5012](#)).

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 names. 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 names such as those enumerated in the Policy or otherwise.

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 Complainant claims that the Respondent has registered the disputed domain names and uses the same in bad faith, even though the said domain names do not currently resolve towards any active webpage.

It is a consensus view among UDRP panels that, with comparative reference to the circumstances set out in paragraph 4(b) of the UDRP deemed to establish bad faith registration and use, such as the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trademark holder (which constitutes passive holding), does not as such prevent a finding of bad faith.

The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith.

Examples of what may be cumulative circumstances found to be indicative of bad faith include the complainant having a well-known trademark, no response to the complaint having been filed, and the respondent's concealment of its identity. UDRP panels may draw inferences about whether a domain name was used in bad faith given the circumstances surrounding the registration.

The Complainant has contended that its trademark BPCE, which has been registered and used for years, now benefits from a certain level of public awareness, particularly in France.

Earlier UDRP decisions have acknowledged the reputation of the Complainant's trademark. See, e.g., *BPCE v. WhoisGuard Protected, WhoisGuard, Inc. / Fransis Coarno, Danstic*, WIPO Case No. [D2020-0967](#); *BPCE v. florian bancal*, WIPO Case No. [D2024-2832](#); *BPCE v. Patrice Colin*, WIPO Case No. [D2024-3766](#); *BPCE v. Zack Levy*, WIPO Case No. [D2024-5012](#).

Further the disputed domain names were registered using a privacy service filed anonymously, but when the identity of the Respondent was disclosed by the Registrar, it was confirmed that this individual was based in France and obviously has been involved in numerous proceedings under the Policy, including against the Complainant. The Respondent has been found in bad faith in the previous proceedings, including against the Complainant.

The fact that the Respondent used a French address implies that he is a French resident or at least has connections with France, where the Complainant's mark has a reputation.

Regarding the high similarity between the disputed domain names and the Complainant's well-known trademark BPCE, it is highly likely that the disputed domain names were registered in bad faith.

The Panel also notes that the Respondent did not reply to the Complaint.

The Panel infers from the above that the Respondent acted in bad faith when he registered the disputed domain names, and still acts in bad faith.

Some of the disputed domain names resolved to webpages with PPC links at the time of filing the Complaint. The Panel finds that the Respondent has intentionally attempted to attract Internet users to its websites by creating a likelihood of confusion with the Complainant's mark. The disputed domain names currently do not direct to any active web page.

As stated in [WIPO Overview 3.0](#), section 3.3, there is a consensus view about "passive holding":

"From the inception of the UDRP, panelists 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 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."

Such passive holding in the circumstances of this case noting especially the well-known nature of the Complainant's mark, composition of the disputed domain names, and the Respondent's involvement in prior UDRP proceedings against the Complainant, does not prevent a finding of bad faith (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#); *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#); *Westdev Limited v. Private Data*, WIPO Case No. [D2007-1903](#); *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#); and *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#)).

Further, the Complainant has filed evidence showing that the Respondent had set up Mail Exchanger ("MX") servers in relation with the disputed domain names, thus revealing a possible intention to use the same as an email address.

Although no evidence of fraudulent acts has been brought in support of the present proceedings, the Panel is not unaware of the common practice whereby hackers register domain names consisting of well-known brand names or company names, in order to use email addresses imitating the same, with the aim of engaging in acts of deception and extortion of Internet users.

The creation of an email address - based on the disputed domain names - that could lead the recipient of a message sent from this address to believe that it is from the Complainant would constitute bad faith use of the disputed domain name (See *Credit Industriel et Commercial S.A. v. Zabor Mok*, WIPO Case No. [D2015-1432](#)).

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 names: <bpce-infomail.com>, <bpce-infomail.info>, <bpce-infomail.net>, <bpce-infoservice.com>, <bpce-infoservice.net>, <bpce-mail.info>, <bpce-mailinfo.com>, <bpce-mailinfo.net>, <bpce-mailinfo.org>, <bpce-notifications.com>, <bpce-notifications.net>, <bpce-notifications.online>, <bpce-notification.email>, <bpce-notification.info>, <bpce-notification.net>, <bpce-

pass.com>, <bpce-pass.net>, <bpce-service.app>, <bpce-service.com>, <bpce-service.net>, <bpceservice.net>, <bpce-service.online>, <bpceservice.online>, <bpce.services>, <bpceservices.com>, <bpceservices.online>, <notification-bpce.app>, <notification-bpce.email>, <notification-bpce.net>, and <notification-bpce.pro> be transferred to the Complainant.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: September 11, 2025