

## **ADMINISTRATIVE PANEL DECISION**

CMA CGM v. ronney smithy  
Case No. D2025-3342

### **1. The Parties**

The Complainant is CMA CGM, France, represented by MIIP MADE IN IP, France.

The Respondent is ronney smithy, Nigeria.

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

The disputed domain name <cmea-cgm.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 20, 2025. On August 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 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 (Information not available) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 August 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 August 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on October 1, 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 container shipping company, stated to be third largest in the world with 400 offices, 1,000 warehouses, 160,000 employees and more than 650 vessels. The Complainant's name derives from a 1996 merger between Compagnie Générale Maritime and Compagnie Maritime d'Affrètement.

The Complainant has a portfolio of trademarks for CMA CGM registered internationally, including in Nigeria, running to some 10 pages, including:

CMA CGM, French trademark, registered on November 9, 2011, registration number 113872760, in classes 12, 37, and 39;

CMA CGM, international trademark, registered on October 2, 2013, registration number 1191384, in classes 12, 37, and 39;

CMA CGM (stylized), international trademark, registered on November 16, 2017, registration number 1391139, in classes 12, 37, and 39.

The Complainant also owns a number of domain names including <cma-cgm.com>, created in 1997, <cmacgm.com>, created in 1997, and <cmacgmgroup.com>, created in 2015.

The disputed domain name was registered on June 19, 2025. It has resolved to a page at "www.cgea-cgm.com/lander" that displayed a statement about cookies below a ribbon that read "This domain name has expired. ...", however, the ICANN Lookup (Whois) shows an expiry date of June 19, 2026. More recently the disputed domain name has returned a notice that "This site can't be reached".

The disputed domain name has also been used for fraudulent email purposes in order to contact a client of the Complainant. The emails purported to be from a named staff member of the Complainant and attempted to induce the client to send money to a nominated bank account that did not belong to the Complainant.

#### **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 contends that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name differs from the Complainant's trademark by the insertion of a letter "e" that may go unnoticed by some users, amounting to an example of typosquatting.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant is a large company of long standing and the Respondent must have been aware of the Complainant at the time of registration of the disputed domain name.

According to the Complainant's enquiries, the Respondent does not own any trademark related to the disputed domain name, is not commonly known by the disputed domain name, and is not using it in connection with any legitimate or fair use. The disputed domain name has been used for an email address for a purpose the Complainant describes as a fraudulent attempt to extract money.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith.

The Complainant alleges that the disputed domain name was used to create a fraudulent email address from which deceptive emails were sent to the Complainant's client. These emails were designed to appear authentic, featuring the Complainant's signature format, a partial company logo, and the forged name of an actual employee, with apparent copying to another staff member. The fraudulent correspondence attempted to divert client payments to an illicit bank account; however, the client identified the account discrepancy before completing any transfer.

The Complainant requests the transfer of the disputed domain name.

## **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 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.

The disputed domain name differs from the Complainant's trademark through a misspelling ([WIPO Overview 3.0](#), section 1.9) consisting of the insertion of a spurious letter "e".

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 sending of emails impersonating the Complainant to a client of the Complainant negates any possibility of the disputed domain name having been used for a bona fide, noncommercial or fair purpose. The Respondent has offered no evidence of having been known by the disputed domain name or similar.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation of the Complainant for an allegedly fraudulent purpose), can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

The disputed domain name was used to send emails to a named individual at the address of a client of the Complainant. The emails were made to appear to come from the Complainant, being signed with an employee's name, with the signature being styled as the Complainant's "Customer Payment Collection", and accompanied by a partial representation of the Complainant's logo and the authentic business website and group website of the Complainant. To further authenticate the emails, they were made to appear as though copied to another of the Complainant's employees. The text of the first message on June 23, 2025 read in part, "Kindly find attached invoices no (...) which will be due on 25th June". The Respondent then provided "Bank Details" including the name, IBAN number, SWIFT code and address of a bank, evidently located in the United Arab Emirates.

The account name given by the Respondent for the payment was "CMA CGM & ANL SECURITIES", likely, in all the circumstances, to have been opened especially for the intended deception. The timing of the Respondent's operation was notable for its swiftness, the disputed domain name being created on a Saturday, giving little time for the Complainant to discover its existence before the emails were sent to the client on the third business day thereafter, giving the client just two days to ponder the authenticity of the demand before payment was expected.

In the course of the day when the deception was attempted, the Respondent was persistent. In reply to the first email to the client, the Respondent was informed that the message had been forwarded to a different person, to whom the Respondent then sent a similar message. When the client replied to say it had noticed the changed IBAN, the Respondent said the original had been discontinued and again urged payment to the Respondent's bank. When the client refused to pay, the Respondent tried to apply pressure by saying the client would incur costs if the payment was rejected by the original bank.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <cmea-cgm.com> be transferred to the Complainant.

*/Dr. Clive N.A. Trotman/*

**Dr. Clive N.A. Trotman**

Sole Panelist

Date: October 8, 2025