

ADMINISTRATIVE PANEL DECISION

BPCE v. zack levy

Case No. D2025-3448

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-notifications.com>, <bpce-notification.services>, <infomail-bpce.com>, <infomail-bpce.net>, <infomail-bpce.online> and <notification-bpce.services> are registered with NameCheap, Inc.(the “Registrar”).

3. Procedural History

The Complaint, which originally included seven disputed domain names, was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2025. On August 27th, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 28, 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 August 29, 2025 with the registrant and contact information of nominally two underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint for the disputed domain name associated with a different underlying registrant than the Respondent or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 29, 2025 removing one domain name associated with a different underlying registrant than the Respondent. The Center sent a notification of Requested Partial Withdrawal on September 3, 2025 regarding that disputed domain name.

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 September 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 28, 2025.

The Center appointed Fabrice Bircker as the sole panelist in this matter on October 5, 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

According to uncontested elements in the case file, the Complainant, BPCE, is a French company acting as the central institution responsible for the two banking networks Banques Populaires and Caisses d'Epargne.

It is the second largest banking group in France. Besides, with 105,000 employees and 36 million customers, the Complainant is also active in more than 40 countries.

The Complainant's activities are notably protected through the following trademark registrations:

BPCE, French trademark registration No. 3653852 registered on November 6, 2009, duly renewed since then, and designating products and services of classes 9, 16, 35, 36, 38, 41, and 45,



European Union trademark No. 8375875, registered on January 12, 2010, duly renewed since then, and designating services of class 36.

The Complainant has also an online presence, in particular through the domain name <groupebpce.com>, which was registered on February 25, 2009, and which directs to its official website.

As far as the disputed domain names are concerned:

- <bpce-notifications.com> was registered on July 17, 2025. It does not resolve to an active website. A mail exchange ("MX") server has been set up in relation to it.
- <bpce-notification.services> was registered on July 17, 2025. It does not resolve to an active website. An MX server has been set up in relation to it.
- <notification-bpce.services> was registered on July 17, 2025. It resolves to a warning page informing the Internet users they are going to visit a dangerous website. An MX server has been set up in relation to it.
- <infomail-bpce.com> was registered on July 21, 2025. It does not resolve to an active website.
- <infomail-bpce.net> was registered on July 21, 2025. It does not resolve to an active website.
- <infomail-bpce.online> was registered on July 21, 2025. It resolves to a parking page displaying commercial hypertext links notably promoting third-parties assurances services. Five MX servers have been set up in relation to it.

Very little is known about the Respondent, except that he is apparently located in France, based on the information disclosed by the Registrar.

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.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its BPCE trademark, because they reproduce the latter, and the added elements do not prevent it from being recognizable.

Besides, the Complainant argues that the Respondent has no rights or legitimate interests in respect with the disputed domain names, in substance because:

- the Respondent does not hold any trademark or tradename corresponding to the disputed domain names,
- the Complainant has never authorized the Respondent to register and/or use any domain name incorporating its trademarks.

Then, the Complainant contends that the disputed domain names have been registered and are being used in bad faith, notably because:

- they reproduce the BPCE prior trademark, which is well-known,
- most of the disputed domain names resolve to inactive websites, which amounts to bad faith use by virtue of the passive holding doctrine,
- MX servers have been set up in relation to the disputed domain name, which exposes the Complainant to a risk of phishing attack,
- the Respondent concealed his identity when registering the disputed domain names,
- Previous panels have already ordered, under the Policy, the transfer in favor of the Complainant of other domain names reproducing the BPCE trademark that were held by the Respondent.

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 names. 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 BPCE 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.

Indeed, the entirety of the mark is reproduced within the disputed domain name.

Although the addition of other term [here, "notifications", "notification" and "infomail"] may bear on assessment of the second and third elements, the Panel finds the addition of such term 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”) “.com”, “.services”, “.net” and “.online” in the disputed domain names, it is well established that gTLDs do not generally affect the assessment of domain names for the purpose of determining identity or confusingly similarity. [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 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.

Indeed, the Complainant contends that it has not given its consent to the Respondent to use its BPCE trademark in domain names registrations or in any other manner.

Besides, there is nothing in the record of the case likely to indicate that the Respondent may be commonly known by the disputed domain names.

Furthermore, four of the six disputed domain names, namely <bpce-notifications.com>, <bpce-notification.services>, <infomail-bpce.com> and <infomail-bpce.net>, are not used (they resolve to an inactive website) and nothing in the case file suggests that the Respondent has made preparations to use them for legitimate purposes.

As far as the disputed domain name <notification-bpce.services> is concerned, it resolves to a warning page informing the Internet users they are going to visit a dangerous website. According to the message displayed by the web browser, hackers may try to trick the Internet users into installing software or revealing sensitive personal data.

Panels have held that the use of a domain name for illegitimate activity or illegal activity (here, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, and other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

As far as the disputed domain name <infomail-bpce.online> is concerned, it resolves to a parking page displaying commercial hypertext links notably promoting third-parties assurances services.

Such use amounts to a commercial use.

Panels have generally found that the use of a domain name to host a parked page comprising of pay-per-click links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. See [WIPO Overview 3.0](#), section 2.9.

Here, given i) the confusing similarity of the <infomail-bpce.online> disputed domain name with the Complainant's prior trademark, ii) the fact that pay-per-click links on the website under this disputed domain name notably promote insurances services, which are similar to the Complainant's banking services, and iii) the fact that the Complainant's BPCE trademark is well-known in France (e.g., *BPCE v. WhoisGuard Protected, WhoisGuard, Inc. / Fransis Coarno, Danstic*, WIPO Case No. [D2020-0967](#); *BPCE v. Pierre Agou Michel*, WIPO Case No. [D2020-2361](#); *BPCE v. Emmanuel Asamoah*, WIPO Case No. [D2022-3866](#); or *BPCE v. Seymi Lozano*, WIPO Case No. [D2022-4185](#)), the Panel finds that the Respondent is commercially using the disputed domain name to unduly capitalizing on the value of the Complainant's trademark and to misleadingly diverting consumers.

At last, the Respondent has not replied to the Complainant's contentions.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

Registration in Bad Faith

The Panel notes that:

- all the disputed domain names reproduce the Complainant's BPCE trademark,
- this trademark predates the registration of the disputed domain names by more than 15 years,
- the BPCE trademark is well known (see the UDRP decisions mentioned at section 6.B. above),
- according to the information provided by the Registrar, the Respondent is located in France, where the Complainant is particularly active on the market,
- the Respondent concealed his identity when registering the disputed domain names and, once disclosed, it appeared that UDRP decisions have already pronounced the transfer of domain names that were held by the Respondent in cases having involved the Complainant (*BPCE v. zack levy*, WIPO Case No. [D2024-2786](#) and *BPCE v. zack levy*, WIPO Case No. [D2024-5012](#)),
- the Respondent has not put forward any argument intended to establish his good faith.

In view of these elements, the Panel finds that the Respondent registered the disputed domain names with the Complainant's trademark in mind, that is to say in bad faith.

Use in Bad Faith

Four of the six disputed domain names are inactive.

However, 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. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes:

- the distinctiveness and the reputation of the Complainant's trademark,
- the composition of the disputed domain names in as far as they all associate the Complainant's trademark with terms that can be used for communicating by email (i.e. "notifications", "notification" and "infomail"),
- the presence of MX records set up with all these disputed domain names, what put the Respondent to use them to send and receive emails,
- the clear absence of rights of the Respondent,
- the fact that previous panels have already decided the transfer of domain names reproducing the BPCE trademark that were registered by the Respondent,
- the fact that the Respondent has concealed his identity through a privacy service,
- the silence kept by the Respondent while invited to participate in the proceedings.

Such circumstances make extremely likely that the disputed domain names may be used for fraudulent activities, such as phishing schemes impersonating the Complainant.

In any case, in the above-described context, the detention of the disputed domain names in the hands of the Respondent represents an unbearable threat hanging over the head of the Complainant.

In such a context, any good faith use of the disputed domain names by the Respondent seems implausible (see [WIPO Overview 3.0](#), section 3.3).

Therefore, the Panel finds that in the circumstances of this case the passive holding of the <bpce-notifications.com>, <bpce-notification.services>, <infomail-bpce.com> and <infomail-bpce.net> disputed domain names does not prevent a finding of bad faith under the Policy.

Besides, as far as the <notification-bpce.services> is concerned, as mentioned in section 6.B. above, it resolves to a warning page informing the Internet users they are going to visit a dangerous website because, according to the message displayed by the web browser, hackers may try to trick the Internet user into installing software or revealing sensitive personal data.

Panels have held that the use of a domain name for illegitimate activity or illegal activity (here, claimed phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or any other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

At last, the <infomail-bpce.online> domain name directs toward a parking page displaying commercial hypertext links notably promoting third-parties assurances services. Besides, no less than five mail exchange servers have been set up in relation to it.

For all the reasons found above, any good faith use of this disputed domain name by the Respondent seems implausible (see [WIPO Overview 3.0](#), section 3.3), all the more that, because of its use in relation with sponsored hypertext links, it also unduly capitalizes on the reputation and goodwill of the Complainant's mark.

The Panel finds the third element of the Policy has been established.

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-notifications.com>, <bpce-notification.services>, <infomail-bpce.com>, <infomail-bpce.net>, <infomail-bpce.online> and <notification-bpce.services> be transferred to the Complainant.

/Fabrice Bircker/

Fabrice Bircker

Sole Panelist

Date: October 19, 2025