

## **ADMINISTRATIVE PANEL DECISION**

BPCE v. Dyd Solution, Solutiondy  
Case No. D2025-3461

### **1. The Parties**

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

The Respondent is Dyd Solution, Solutiondy, Benin.

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

The disputed domain name <groupbpcefinance.com> is registered with OrangeHost LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 27, 2025. On August 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 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 (Solutiondy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 1, 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 September 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2025.

The Center appointed Torsten Bettinger 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 one of France's leading banking groups, providing a comprehensive range of banking, financing, and insurance services through the Banque Populaire and Caisse d'Épargne cooperative networks and their subsidiaries.

The Complainant owns multiple BPCE trademarks (the "BPCE Marks"), including:

- European Union Trade Mark No. 008375875 "BPCE" (registered January 12, 2010),
- European Union Trade Mark No. 008375842 "BPCE" (registered January 12, 2010), and
- French Trade Mark No. 3653852 "BPCE" (registered May 29, 2009).

It also holds domain names incorporating the BPCE mark, including <bpce.fr> (registered November 27, 2008).

The disputed domain name was registered on July 30, 2025. At the time the Complaint was filed and at the date of the Decision, it 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.

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that:

- the disputed domain name wholly incorporates its well-known BPCE mark, combined with the descriptive additions "group" and "finance" and the generic Top-level-Domain ("gTLD") ".com";
- these additions do not dispel confusing similarity, as the BPCE mark remains clearly recognizable within the disputed domain name;
- the identical reproduction of the trademark in the disputed domain name is sufficient to establish confusing similarity;
- the gTLD ".com" shall not be taken into account to assess the likelihood of confusion between the signs as it is a technical requirement of registration.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submitted that the Respondent:

- has no corresponding trademarks or trade names and has never been authorized or licensed by the Complainant to use "BPCE" in any form, including as a domain name;
- use of the disputed domain name for an inactive website does not constitute a bona fide offering of goods or services nor any legitimate noncommercial or fair use.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that:

- the BPCE trademarks long predate the disputed domain name's July 30, 2025 registration;
- the BPCE group (including its subsidiaries) is well known in France and internationally among banking and financial services consumers;
- prior UDRP decisions have recognized BPCE's reputation;
- the selection of a domain name is therefore unlikely to be coincidental and appears intended to create a false association with the Complainant;
- the disputed domain name is configured with MX (mail exchanger) records, enabling the creation of email addresses for the domain and facilitating phishing or other fraudulent email activity;
- in the banking sector panels have repeatedly treated such configurations as indicative of abusive intent;
- the WHOIS data are incomplete/obscured; prior decisions hold that using fictitious or ineffective contact details without a valid reason evidences bad faith, tainting subsequent use.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

- (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 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 entirety of the BPCE mark is reproduced within the disputed domain name.

Although the addition of the dictionary terms "group" and "finance" may bear on the assessment under the second and third elements, those terms do not preclude a finding of confusing similarity for the purposes of the Policy. See [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.

### **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 record shows that the Complainant's trademark registrations predate the Respondent's registration of the disputed domain name. The Complainant has not licensed, approved, or otherwise consented to the Respondent's registration or use of its mark in the disputed domain name.

On this basis, the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests.

The disputed domain name does not resolve to an active website. There is no evidence that, prior to notice of the dispute, the Respondent used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services.

Although afforded the opportunity, the Respondent has not come forward with any circumstances under paragraph 4(c) of the Policy (or otherwise) to demonstrate rights or legitimate interests.

The Respondent has provided no evidence that it owns any relevant trademark, is commonly known by the disputed domain name, or intends to make a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain or to misleadingly divert consumers.

In the absence of any evidence rebutting the Complainant's prima facie case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The requirement of paragraph 4(a)(ii) of the Policy is therefore satisfied.

### **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 provided evidence of multiple trademark registrations for the BPCE mark that predate the registration of the disputed domain name.

The Complainant holds multiple BPCE trademark registrations that long predate the disputed domain name. The mark is distinctive, and the disputed domain name <groupbpcefinance.com> reproduces BPCE in its entirety, merely appending the descriptive terms "group" and "finance", which directly reference the Complainant's corporate form and business sector.

Panels consistently find that such composition "targets" the trademark owner and makes coincidence implausible.

Further, configuring the disputed domain name with MX records underscores an intention to enable email use consistent with impersonation/phishing schemes in the financial services context—conduct panels routinely view as strong evidence of knowledge and targeting. The Respondent has offered no credible explanation for selecting this precise combination of the BPCE mark with sector-specific descriptors for the disputed domain name.

On this record, the Panel finds it inconceivable that the Respondent selected the disputed domain name without awareness of the Complainant and its BPCE trademarks.

The fact that there is no evidence that the disputed domain name has not yet been actively used does not prevent a finding of bad faith use.

Although the circumstances listed in paragraph 4(b) of the Policy are all phrased in terms of affirmative actions by the Respondent, it is by now well accepted that the passive holding of a domain name, in certain circumstances, can constitute bad faith use under the Policy. (See, e.g., *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), (“Telstra”); see also [WIPO Overview 3.0](#), section 3.3.)

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; and
- (iii) the implausibility of any good faith use to which the domain name may be put.

The circumstances of the present case are sufficiently similar to those present in Telstra to establish bad faith passive holding of the disputed domain name.

As noted above, based on the record in this proceeding, the Panel is satisfied that the Complainant’s BPCE mark is distinctive and widely-known.

Furthermore, the Respondent has not replied to the Complaint nor provided any evidence of actual or contemplated good faith use of the disputed domain name.

The Panel therefore finds that the circumstances, as described above, show that the Respondent’s registration and passive holding of the disputed domain name equals a bad faith registration and use of the disputed domain name and therefore the Complainant also 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 <groupbpcefinance.com> be transferred to the Complainant.

*/Torsten Bettinger/*

**Torsten Bettinger**

Sole Panelist

Date: October 15, 2025