

ADMINISTRATIVE PANEL DECISION

BPCE v. Mauro Carta, Montesano-Cancellieri e figli
Case No. D2025-4896

1. The Parties

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

The Respondent is Mauro Carta, Montesano-Cancellieri e figli, Italy.

2. The Domain Names and Registrar

The disputed domain names <banquepopulaire.cfd> and <banquepopulaire-gift.cfd> are both registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2025. On November 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 26, 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 (“Domain Admin”) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 December 5, 2025. On December 8, 2025, the Center asked the Complainant to clarify an ambiguity in the amended Complaint, which the Complainant did on the same day.

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 December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2026.

The Center appointed Alfred Meijboom as the sole panelist in this matter on January 19, 2026. 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 French joint stock company acting as the central institution responsible for the banking networks of Banque Populaire and Caisses d'Epargne. It is the second largest banking group in France which offers a full range of banking, financing and insurance activities, and has 105,000 employees who serve a total of 36 million customers. The Complainant holds several trademark registrations, including:

- French trademark BANQUE POPULAIRE with registration number 3113485 of July 25, 2001, for services in classes 36 and 38; and
- European Union device mark BANQUE POPULAIRE with registration number 018725733 of November 12, 2022, for goods and services in classes 9, 35 and 36.

The Complainant is also the owner of several domain names including <banque-populaire.com>, which was registered in 1998, <banquepopulaire.com> which was registered in 2001 and <banque-populaire.fr>, which was registered in 2002, all such domain names corresponding or redirecting to the official website of the Complainant.

The disputed domain name <banquepopulaire-gift.cfd> was registered on August 13, 2025, and the disputed domain name <banquepopulaire.cfd> was registered on August 14, 2025. The disputed domain names do not resolve to an active 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 names.

Notably, the Complainant alleges that the disputed domain names are confusingly similar to the Complainant's BANQUE POPULAIRE trademark, which the disputed domain names wholly incorporate, whereas the term “-gift”, as part of the disputed domain name <banquepopulaire-gift.cfd>, does not prevent a finding of confusing similarity.

According to the Complainant the Respondent has no rights or legitimate interests in respect of the disputed domain names because the Complainant has never authorized or licensed the Respondent to register and/or use any domain name incorporating its BANQUE POPULAIRE trademarks.

The Complainant asserts that the Complainant's BANQUE POPULAIRE trademarks were registered well before the registration of the disputed domain names and are well known in France and throughout the world, particularly among consumers in the financial and banking market, for which reasons it is not a mere coincidence that the Respondent registered the disputed domain names which were therefore registered in bad faith.

The Complainant refers to previous panel decisions in which it was ruled that the inactive status of a disputed domain name does not prevent a finding of bad faith based on the doctrine of passive ownership.

Given the factors in this case, including the reputation of the BANQUE POULAIRE trademark and the fact that the Respondent provided fictitious contact details when registering the disputed domain names, the Complainant alleges that the disputed domain names are also being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are 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 Panel finds the Complainant's BANQUE POPULAIRE trademark is included in its entirety in the disputed domain names. The disputed domain name <banquepopulaire.cfd> is identical to the Complainant's BANQUE POPULAIRE trademark. Although the addition of the term "-gift" in the disputed domain name <banquepopulaire-gift.cfd> may bear on assessment of the second and third elements, the Panel finds this does not prevent a finding of confusing similarity between the disputed domain name <banquepopulaire-gift.cfd> and the Complainant's BANQUE POPULAIRE trademark for the purposes of the Policy. Accordingly, the disputed domain names are confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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.

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.

In the present case, the Panel notes that the Complainant cites the findings of a previous UDRP panel who, according to the decision, accepted that BANQUE POPULAIRE is a well-known mark (*BPCE v. Registration Private, Domains By Proxy, LLC of Arizona/ Sophie Gadoud, Shady's corporation*, WIPO Case No. [D2021-2305](#)). The Panel further notes that it remains undisputed that the Complainant operates for decades France's second largest bank under the BANQUE POPULAIRE trademark, with approximately 36 million customers. The Respondent has also not refuted the Complainant's assertion that the BANQUE POPULAIRE trademark is well known.

Since the BANQUE POPULAIRE trademark dates back some 25 years prior to the registration of the disputed domain names, noting its reputation, the Complainant's online presence, and the lack of any Response putting forward a legitimate non-infringing purpose, it is reasonable to infer, on the balance of probabilities, that the Respondent must have had the BANQUE POPULAIRE trademark in mind when it registered the disputed domain names. The Panel is therefore satisfied that it has been demonstrated that the registration of the disputed domain names was made in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

Further, the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. According to [WIPO Overview 3.0](#), section 3.3, “[w]hile 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.”

Having reviewed the available record, the Panel notes the reputation of the Complainant's BANQUE POPULAIRE trademark, the composition of the disputed domain names, the failure of the Respondent to submit a Response, and provision of false or incomplete contact details, which prevented the courier from

delivering the Center's written communication. Under these circumstances the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy. Consequently, the Panel considers it more likely than not that the disputed domain names were registered in bad faith with the intention to target the Complainant.

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 <banquepopulaire.cfd> and <banquepopulaire-gift.cfd> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: January 26, 2026