

ADMINISTRATIVE PANEL DECISION

BPCE v. John Du
Case No. D2025-5202

1. The Parties

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

The Respondent is John Du, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <caissedepargnesup.org> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2025. On December 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 12, 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 (Privacy User #b023553b, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 15, 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 January 16, 2026.

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 January 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2026. The Respondent sent an email communication to the Center on December 15, 2026, expressing its intention to transfer the disputed domain name to the Complainant. Further to the Complainant’s request on December 17, 2025 to suspend the proceedings to explore settlement, the Center suspended the proceeding on December 19, 2025. The Complainant

requested, on January 15, 2026, to reinstitute the proceeding due to no settlement, and the Center reinstated the proceeding on the same day. The Center notified the Parties of the commencement of panel appointment process on February 9, 2026.

The Center appointed Theda König Horowicz as the sole panelist in this matter on February 13, 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 well-known French company with headquarters in Paris, operating internationally in the banking, financing, and insurance fields. It leads two banking networks: Banques Populaires and Caisses d'Épargne.

The Complainant owns several trademark registrations containing "CAISSE D'EPARGNE", notably the French trademark CAISSE D'EPARGNE and logo Reg. No. 1658134, registered on April 26, 1991 in classes 9, 16, 28, and 35-45.

The Complainant is also the owner of several domain names comprising "CAISSE D'EPARGNE" such as <caisse-epargne.com> (registered in 1998) and <caisse-epargne.fr> (registered in 2009); the latter is linked to the Complainant's official website.

The disputed domain name was registered on May 20, 2025. It was not linked to an active website at the time of the Complaint, but the Mail Exchanger ("MX") servers enabling email messages on behalf of the disputed domain names are active.

The Complainant sent a cease and desist letter to the Respondent on June 20, 2025.

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 contains its well-known trademark CAISSE D'EPARGNE in its entirety and is therefore confusingly similar. The addition of the suffix "sup" and the generic Top-Level Domain ".org" does not prevent a finding of confusing similarity.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name notably because the Respondent does not own trademark rights corresponding to the disputed domain name and did not get a license or authorization from the Complainant to use its trademark CAISSE D'EPARGNE.

The Complainant finally contends that the Respondent registered and is using the disputed domain name in bad faith because CAISSE D'EPARGNE is a well-known trademark which predates the disputed domain name. The disputed domain name was therefore registered by the Respondent to generate a likelihood of confusion with the Complainant's trademarks and domain names. Following factors are additional factors of bad faith use and registration: (i) passive holding of the disputed domain name which contains Complainant's well-known trademark, (ii) activation of MX services for the disputed domain name thus allowing the Respondent to create email addresses for phishing attack, (iii) use of a privacy service by the

Respondent who tried to hide its identity also by using an email address reproducing the name of a famous American movie producer.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent sent to the Center an email communication on December 15, 2025, confirming that it is the registrant of the disputed domain name and expressing its willingness to voluntarily transfer the disputed domain name to the Complainant. However, the Respondent did not reply to further emails of the Complainant regarding a possible settlement between the Parties.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be transferred:

- (i) the domain name registered by the Respondent is 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 domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a formal Response, the Panel shall decide these administrative proceedings on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the trademark CAISSE D'EPARGNE for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is reproduced in its entirety within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The addition of the term "sup" which can for example stand for "superior" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 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 3.1](#), 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 Respondent failed to prove its use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services before any notice of the dispute. To the contrary, the Complainant has shown that MX services were activated for the disputed domain name which might be used for illegitimate activities such as phishing which can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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.

In the present case, the Panel notes that the Respondent could have easily identified through Internet searches that CAISSE D’EPARGNE is a registered trademark and that it is widely and internationally used by the Complainant.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant’s trademark and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The fact that MX services are activated for the disputed domain name is an indication that it might be used for phishing activities. In this regard, the Panel notes that the website at the disputed domain name currently features a warning from the operating system’s Internet security tool about related phishing threats, which is an additional indication of bad faith, as is the fact that the Respondent took active steps to conceal its identity by using a privacy service to register the disputed domain name.

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 <caissedepargnesup.org> be transferred to the Complainant.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: March 9, 2026