

## **ADMINISTRATIVE PANEL DECISION**

CA Indosuez (Switzerland) SA v. Artcher Hugo, thalerenterprise  
Case No. D2026-0764

### **1. The Parties**

The Complainant is CA Indosuez (Switzerland) SA, Switzerland, represented by id est avocats Sàrl, Switzerland.

The Respondent is Artcher Hugo, thalerenterprise, Philippines.

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

The disputed domain name <thalerenterprise.com> is registered with Squarespace Domains II LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 23, 2026. On February 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on February 26, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 March 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 23, 2026.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on March 25, 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, CA Indosuez (Switzerland) SA, is part of the Crédit Agricole Group, one of Europe's largest banking groups. The Crédit Agricole Group has had a local presence in Switzerland since 1876, where it nowadays operates under the name "Crédit Agricole" or "CA Indosuez."

As further specified below, the Complainant is the legal successor of Banque Thaler SA (Bank Thaler AG), a Swiss bank previously registered under the number (CHE-103.178.391) following the merger between the Complainant and Banque Thaler.

The Complainant possesses the following trademarks containing the term THALER:

- THALER, verbal/figurative trademark No. 470901, class 36, registered since March 29, 2000;
- BANQUE THALER, verbal/figurative mark No. 827352, class 36, registered since February 28, 2025;
- BANQUE THALER verbal/figurative mark No. 476020, class 36, mark has been registered since March 1, 2000.

The Complainant operates under the following domain names:

- <bankthaler.ch>
- <bankthaler.eu>
- <banquethaler.ch>
- <banquethaler.com>
- <banquethaler.eu>

The disputed domain name was registered on February 5, 2026. The disputed domain name is not in use.

#### 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.

##### 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced 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.

Although the addition of other terms here “enterprise”, 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 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 that 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 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.

The disputed domain name <thalerenterprise.com> was registered by the Respondent in 2026 — well over twenty-five years after the Complainant first used and registered the THALER mark in connection with its banking services. The Complainant is a well-known financial institution of considerable renown, and its mark has acquired substantial goodwill and secondary meaning over the course of more than a quarter century of continuous and prominent use.

It defies credibility that the Respondent could have registered a domain name incorporating the Complainant’s mark without awareness of it. Where a complainant’s mark is widely known, panels have consistently found that registration with knowledge of that mark is itself evidence of bad faith. See, e.g., *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (finding that where a mark is well-known, it is not possible to conceive of a plausible legitimate use of the domain name by the respondent). The registration of a domain that precisely replicates a famous bank’s name — with the addition of the generic word “enterprise” — points to a deliberate attempt to exploit the Complainant’s established commercial reputation.

As to bad faith use, the Respondent has made no active, bona fide use of the disputed domain name since its registration. The domain name resolves to an inactive or non-functional page. Passive holding does not shield a respondent from a finding of bad faith where, as here: (i) the Complainant’s mark is well-known; (ii) the Respondent has provided no evidence of any actual or contemplated good faith use; and (iii) it is impossible to conceive of any plausible legitimate use of the domain that would not be deceptive. See *Telstra*, supra; [WIPO Overview 3.0](#), section 3.3 (passive holding and bad faith).

The totality of circumstances — the undisputed fame of the Complainant's mark, the timing of registration long after the Complainant established its reputation, and Respondent's complete failure to use the domain for any legitimate purpose — establishes bad faith registration and use within the meaning of Policy paragraph 4(a)(iii).

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 3.1](#), section 3.2.1.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, 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 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 <thalerenterprise.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: March 27, 2026