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ADMINISTRATIVE PANEL DECISION

Banque Palatine v. Joshua Montgomery, Palatine Capital Group, LLC
Case No. D2026-2646

1. The Parties

The Complainant is Banque Palatine, France, represented by Kalliopé, France.

The Respondent is Joshua Montgomery, Palatine Capital Group, LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <palatinecapitalgroup.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 June 17, 2026. On June 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 2026, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 22, 2026, 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 June 25, 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 June 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2026. The Respondent did not submit any response within the Response period. Accordingly, the Center notified the Respondent's default on July 17, 2026. The Respondent sent an email communication to the Center on July 17, 2026.

On July 24, 2026, the Complainant replied to the Respondent's email communication of July 17, 2026.

The Center appointed Zoltán Takács as the sole panelist in this matter on July 29, 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 in this administrative proceeding is Banque Palatine, a French bank founded in 1780 and specialized in small and medium-sized companies and in asset management.

Banque Palatine is a wholly owned subsidiary of Groupe BPCE, a large French banking group present in more than 40 countries via its various subsidiaries.

The Complainant's international portfolio of trademarks includes the French Trademark Registration No. 004353223 for the word mark PALATINE registered on August 22, 2005.

The Complainant is also owner of the domain name <palatine.fr>, which was registered on October 13, 2004, and resolves to its corporate website.

The disputed domain name was registered on May 11, 2026, and has been resolving to a parking page indicating that the website is under construction.

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 which incorporates the entirety of its trademark with the addition of the terms "capital" and "group" is confusingly similar to the trademark;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;

- given the strong reputation of the Complainant's trademark the Respondent likely knew of the Complainant and registered the disputed domain name to unduly benefit from the reputation of the Complainant's trademark without authorization;

- the disputed domain name has been set up with MX records, suggesting that it may be actively used for sending and receiving emails.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

The Respondent did not submit any formal response. However, in its July 17, 2026 dated email sent to the Center the Respondent wrote: "I'm sorry, how do I respond to this? I am not a bank and it is just holdings company for a podcast and audiobook. Is there a form I need to fill out to clear this up?"

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

(i) the domain name 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.

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 Complainant's trademark is reproduced and recognizable in the disputed domain name. Although the addition of other terms, here "capital" and "group" may bear on assessment of the second and third elements, the Panel finds that the addition of such terms 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, sections 1.7 and 1.8.

The Panel finds that 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.

Although the Respondent submitted an email communication following the notification of default, stating that the disputed domain name was intended for a holding company related to a podcast and audiobook venture, the Respondent did not provide supporting evidence of such activities, no evidence of demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, and no evidence that it has been commonly known by the disputed domain name within the meaning of paragraph 4(c) of the Policy. The Panel therefore finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel notes that the Complainant has not authorized, licensed, or allowed the Respondent to use its trademark in the disputed domain name or in any other way.

In these circumstances, passive holding of the disputed domain name does not establish any rights or legitimate interests in the disputed domain name.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that 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.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel notes that the disputed domain name contains the Complainant's trademark in its entirety together with the word "capital", which directly relates to Complainant's area of business. The Respondent failed to provide any explanation supported with relevant evidence for its inclusion of the Complainant's trademark in the disputed domain name. In absence of any such explanation, the Panel infers on balance that the Respondent knew of the Complainant and its trademark and registered the disputed domain name in bad faith.

There is no evidence that the disputed domain name has been used in any active way. However, from the inception of the UDRP, panelists 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 3.1, section 3.3.

In view of the Panel, the composition of the disputed domain name, the Respondent's lack of any rights or legitimate interests in the disputed domain name, the Respondent's failure to submit a formal response and provide any evidence of actual of contemplated good-faith use of the disputed domain name and the Respondent's setting up of the MX records for the disputed domain name (which suggests a possibility of sending and receiving emails) further supports a presumption of the Respondent's registration and (passive) use of the disputed domain name in bad faith.

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 <palatinecapitalgroup.com> be transferred to the Complainant.

/Zoltán Takács/
Zoltán Takács
Sole Panelist
Date: August 6, 2026