

## **ADMINISTRATIVE PANEL DECISION**

**BforBank v. Doga Altin, Unique Workshop**  
**Case No. DCO2023-0065**

### **1. The Parties**

The Complainant is BforBank, France, represented by Nameshield, France.

The Respondent is Doga Altin, Unique Workshop, Türkiye.

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

The disputed domain name <bforbenk.co> (the “Domain Name”) is registered with FastDomain, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 18, 2023. On July 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 19, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 20, 2023, 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 July 21, 2023.

The Center verified that the Complaint together with the amendment 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 July 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 14, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on August 17, 2023. 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 an online bank launched in October 2009 by the Crédit Agricole Regional Banks in France. It offers daily banking, savings, investment, and credit services for 240,000 customers. The Complainant is the proprietor of a number of registered trademarks in respect of BFORBANK, including European Union Trade Mark number 8335598 BFORBANK registered on December 8, 2009. The Complainant is also the owner of a number of domain names comprising BFORBANK including <bforbank.com> registered in January 2009.

The Domain Name was registered on June 8, 2023. It does not resolve to an active website. MX servers, enabling the creation of email addresses are configured at the Domain Name.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its BFORBANK trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

##### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the trademark BFORBANK, both by virtue of its trademark registration and as a result of the goodwill and reputation acquired through use by the Complainant over a number of years. Ignoring the country code Top-Level Domain ("ccTLD") ".co", the Domain Name is identical to the Complainant's mark save for the substitution of the letter "e" for the letter "a". In the Panel's view, this amounts to classic "typosquatting" intended to take advantage of Internet users, including email recipients, not noticing the substituted letter, and intended to be confusingly similar to the Complainant's mark. In the Panel's view, the different letter does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

##### **B. Rights or Legitimate Interests**

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The configuration of MX servers at the Domain Name suggests that the Domain Name could be used for email addresses and the legitimate inference is that this is intended to deceive recipients into believing that emails are being sent from a legitimate account of the Complainant.

Such activity could not possibly demonstrate rights or legitimate interests. The Respondent has chosen not to respond to the Complaint and has accordingly failed to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

### **C. Registered and Used in Bad Faith**

In the circumstances, given the nature of the Domain Name and its likely use for emails purporting to originate with the Complainant, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the BFORBANK mark in mind when it registered the Domain Name. The registration and subsequent possible use of the Domain Name to send emails as described above would amount to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

In any event, to the extent that it could be said that the Respondent has made no active use of the Domain Name, section 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), notes that, from the inception of the UDRP, panelists have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. It depends on the facts of the case, including “(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”.

In this case, the Complainant’s mark is distinctive; the Respondent has failed to respond to the Complaint; and the Panel cannot conceive of any good faith use to which the Respondent could put the Domain Name.

Accordingly, the Panel finds that the Domain Name was registered and used in bad faith.

### **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 Domain Name, <bforbenk.co>, be transferred to the Complainant.

/Ian Lowe/

**Ian Lowe**

Sole Panelist

Date: August 31, 2023