

ADMINISTRATIVE PANEL DECISION

Lydia Solutions v. Fabien Galoni
Case No. DEU2025-0013

1. The Parties

The Complainant is Lydia Solutions, France, represented by INSCRIPTA, France.

The Respondent is Fabien Galoni, France.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <sumeria-epargne.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is Namecheap, Inc.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On April 17, 2025, the Registry 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 April 22, 2025, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 22, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).


In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 25, 2025. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was May 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 15, 2025.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on May 22, 2025. 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant is Lydia Solutions, a French company established in the fintech sector and operating under the trade name Sumeria. Founded in France, the Complainant has become an actor in the field of digital financial services. It operates a mobile banking platform used across Europe, with approximately 7 million users and a valuation of over USD 1 billion. Sumeria enjoys a strong reputation among consumers, particularly in France and Western Europe, for its innovative and reliable digital banking solutions.

The Complainant has submitted evidence of ownership of multiple trademark registrations protecting the trademark SUMERIA. These include:

- French trademark registration No. 5011089 for SUMERIA, filed on December 1, 2023, and registered on March 22, 2024, covering financial services in class 36;
- European Union trademark registration No. 018977546 for SUMERIA, filed on January 23, 2024, and registered on May 28, 2024, covering goods and services in classes 9 and 36;
- European Union figurative trademark registration  No. 019022606 for SUMERIA, filed on May 3, 2024, and registered on September 19, 2024, covering goods and services in classes 9, 35, 36, and 42.

In addition to these registered rights, the Complainant operates its official website accessible at <sumeria.eu>, and holds various domain names incorporating the trademark SUMERIA.

The disputed domain name <sumeria-epargne.eu> was registered on May 29, 2024, with Namecheap, Inc. and is administered by the EURid registry.

Prior to the filing of the Complaint, the disputed domain name resolved to a website at the domain name <adstrading.eu>, operated by a Dutch company unrelated to the Complainant. This website promoted services in the trading sector, which may have been perceived as competitive with the Complainant's financial services. Since the Complainant sent a cease-and-desist letter to the Respondent on March 27, 2025, the disputed domain name no longer resolves to an active website. However, DNS records confirm the existence of active Mail Exchange ("MX") entries for the disputed domain name, indicating that it remains configured for email communication.

5. Parties' Contentions

A. Complainant

Firstly, the Complainant asserts that the disputed domain name is confusingly similar to its registered trademark SUMERIA, over which it holds several valid national and European registrations. The disputed domain name reproduces the SUMERIA trademark in its entirety, with the sole addition of the term "epargne" (meaning "savings" in French), which is purely descriptive in the context of financial services. The Complainant argues that this addition does not prevent a finding of confusing similarity.

Secondly, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise authorized the Respondent to use its trademarks or register domain names incorporating the sign SUMERIA. Trademark searches conducted by

the Complainant confirm that there is no registration or application for SUMERIA-EPARGNE or any related trademark in the name of the Respondent. Furthermore, Google searches show no evidence that the Respondent is commonly known by the disputed domain name or has engaged in any bona fide offering of goods or services under the name “Sumeria Épargne”. In addition, the Complainant highlights that prior to its cease-and-desist letter dated March 27, 2025, the disputed domain name redirected to the website <adstrading.eu>, operated by a Dutch company with no connection to the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Given the reputation and notoriety of the SUMERIA trademark in France, especially in the digital banking sector, it is inconceivable that the Respondent was unaware of the Complainant’s prior rights. The Complainant believes that the disputed domain name was registered either to mislead Internet users for commercial gain or to disrupt its business. Since the letter was sent, the domain name has ceased resolving to an active website, but DNS queries confirm that it remains technically active and configured to send and receive emails raising serious concerns of potential phishing or impersonation risks.

On these grounds, the Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

According to paragraph B(11)(d)(1) of the ADR Rules: “The Panel shall issue a decision granting the remedies requested under the Procedural Rules in the event that the Complainant proves:

(1) in an ADR Proceeding where the Respondent is the holder of a .eu domain name registration in respect of which the Complaint was initiated, that:

- (i) The domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and; either
- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith.”

Due to similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy, the Panel will also take into consideration the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)).

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

It is well established that the first element of the Policy primarily concerns the Complainant's standing and requires a comparison between the Complainant's trademark and the disputed domain name to determine whether the latter is identical or confusingly similar to the trademark. This comparison is generally straightforward and reasoned. ([WIPO Overview 3.0](#), section 1.7).

The Complainant has demonstrated valid rights in the trademark SUMERIA for the purposes of the ADR Rules. These rights satisfy the standing requirement under the ADR Rules.

The disputed domain name <sumeria-epargne.eu> incorporates the Complainant's trademark SUMERIA in its entirety, with the sole addition of the term “epargne”, a French descriptive word meaning “savings”. The Panel finds that the SUMERIA trademark is clearly recognizable within the disputed domain name.

Therefore, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the ADR Rules ([WIPO Overview 3.0](#), section 1.8).

In light of the foregoing, the Panel finds that the Complainant has fulfilled the first element required under the ADR Rules.

B. Rights or Legitimate Interests

Paragraph B(11)(e) of the ADR Rules provides specific circumstances under which a respondent may demonstrate rights or legitimate interests in a disputed domain name. These include, among others, use or demonstrable preparations to use the domain name in connection with an offering of goods or services, being commonly known by the domain name, or making a legitimate noncommercial or fair use of the domain name.

Although the overall burden of proof in ADR Rules 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 carefully reviewed the available record, the Panel finds that the Complainant has made out a prima facie case that the Respondent does not hold rights or legitimate interests in respect of the disputed domain name <sumeria-epargne.eu>. The Respondent has failed to submit any response or evidence in these proceedings and has thus not rebutted the Complainant's showing.

Indeed, there is no indication that the Respondent is commonly known by the disputed domain name or the term "Sumeria Épargne". The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its trademarks or to register domain names incorporating the SUMERIA mark.

Furthermore, before the Complainant's authorized representative sent a cease-and-desist letter to the Respondent, on March 27, 2025, the disputed domain name resolved to a website operated by a third party in a sector directly competitive to the Complainant's financial services. The Panel finds that this redirection cannot confer rights or legitimate interests under the ADR Rules ([WIPO Overview 3.0](#), section 2.5.3).

The current technical configuration of the disputed domain name to send and receive emails, despite the absence of an active website, raises concerns about potential misuse, such as phishing or impersonation activities which cannot confer rights or legitimate interests under the ADR Rules.

For these reasons, the Panel concludes that the Complainant has established the second element of paragraph B(11)(d)(1) of the ADR Rules.

C. Registered or Used in Bad Faith

The Panel notes that, for the purposes of paragraph B(11)(d)(1)(iii) of the ADR Rules, paragraph B(11)(f) of the ADR Rules establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent was undoubtedly aware of the Complainant's SUMERIA trademark at the time of registration of the disputed domain name <sumeria-epargne.eu>.

The disputed domain name is confusingly similar to both the Complainant's SUMERIA trademark and the Complainant's domain name <sumeria.eu>. The addition of the term "epargne" (which means "savings" in French) merely reinforces the association with the Complainant's core financial services, indicating that the Respondent intended to capitalize on the Complainant's established goodwill and market recognition.

Therefore, the Panel is of the opinion that it is unplausible that the Respondent was unaware of the Complainant's prior rights when registering the disputed domain name.

The Panel further observes that the Respondent's primary objective appears to be either to disrupt the Complainant's business or to attract Internet users fraudulently by creating confusion.

Before the Complainant's cease-and-desist letter dated March 27, 2025, the disputed domain name resolved to a website operated by a third-party business in the trading sector, which directly competes with the Complainant's financial services. This suggests that the Respondent's intention behind registering the disputed domain name was to benefit from the Complainant's trademarks by associating itself with a similar-sounding domain name. This behavior clearly reflects bad faith registration aimed at benefiting from the Complainant's trademark.

Although the disputed domain name no longer resolves to an active website, its current inactivity does not preclude a finding of bad faith under the doctrine of passive holding. Panels have held that passive holding, or the failure to actively use a domain name, does not prevent a finding of bad faith if the domain name is confusingly similar to a trademark and could still be used to infringe the rights of the trademark holder. In this case, the Panel finds that the Respondent's failure to use the disputed domain name does not negate the possibility that the disputed domain name could still be used to infringe upon the Complainant's trademark rights, as confirmed in the case of *ELO v. Name Redacted*, WIPO Case No. [DEU2023-0007](#), where passive holding combined with the potential for fraud was deemed to constitute bad faith.

Furthermore, the disputed domain name is configured to send and receive emails, as confirmed by the presence of MX records. This configuration poses a significant risk that the Respondent may use the disputed domain name for fraudulent activities, such as phishing or impersonation, to mislead Internet users into believing that communications originating from the disputed domain name are from the Complainant.

In light of these factors, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith under paragraph B(11)(d)(1)(iii) of the ADR Rules.

The Panel finds that the Complainant has established the third element of paragraph B(11)(d)(1) of the ADR Rules.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <sumeria-epargne.eu> be transferred to the Complainant¹.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: June 5, 2025

¹ (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) As the Complainant is located in France, a Member State of the European Union, it satisfies the general eligibility criteria for registration of the disputed domain name set out in Article 3 of the Regulation (EU) 2019/517. Therefore, the Complainant is entitled to request the transfer of the disputed domain name.