

PANEL DECISION

BPCE v. Leroy David Leroy, BPCE Facto
Case No. DEU2026-0021

1. The Parties

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

The Respondent is Leroy David Leroy, BPCE facto, France.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <bpcfcto.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain name is HOSTINGER operations, UAB.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 15, 2026. On May 18, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On May 19, 2026, the Registry 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 verified that 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 May 21, 2026. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was June 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 12, 2026.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on June 15, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant, a French corporation, ranks amongst the top banking, insurance and financial services groups in France, and is the result of the amalgamation of Banque Populaire and Caisse d'Epargne, two large cooperative banking networks. Its 105,000 employees serve 36 million clients, out of whom 9 million are cooperative shareholders. The Complainant, through its subsidiaries, is present in over 40 countries worldwide. One of its subsidiaries, BPCE Factor, provides factoring services to its commercial customers.

The Complainant owns several registered trademarks containing the term “bpce”, including, inter alia, the French trademark registration No. 3653852 for BPCE, registered on May 29, 2009 (hereinafter referred to as: the “Mark”).

The Complainant also owns directly or through a dedicated subsidiary many domain names with the term “bpce”, such as <bpce.fr>, registered on November 27, 2008.

The Complainant provided evidence that a Mail Exchange (“MX”) server has been configured under the disputed domain name.

The disputed domain name was registered on April 14, 2026, and resolved to an active website offering office cleaning services in French at the time the Complaint was filed. At the time of this Decision, the disputed domain name still resolves to a website offering office cleaning services.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the ADR Rules for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- (i) the disputed domain name reproduces the Mark, in which the Complainant has rights recognized or established by national law of a Member State and/or European Union law, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark in its entirety and that the addition of the term “facto” after the Mark is not capable of dispelling the confusing similarity;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, the Complainant never authorized the Respondent to use the Mark in any manner and the Respondent never had any affiliation with the Complainant;
- (iii) the Respondent registered the disputed domain name in bad faith, with knowledge of the Mark when registering it, and is using the disputed domain name in bad faith.

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

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Aspects: Admissibility of a request to transfer and failure to respond from the Respondent

The Panel finds that the Complainant is located in France and therefore satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) No 2019/517, and thus that, pursuant to sub-paragraph B(11)(b) of the ADR Rules, the transfer of the disputed domain name is a remedy available to the Complainant.

Pursuant to sub-paragraph B(11)(a) of the ADR Rules, the Panel is empowered to decide a Complaint on the basis of the statements and documents submitted.

Under paragraph B(11)(d) of the ADR Rules, it is the Complainant's burden to establish that all of the required criteria for granting the remedy sought have been met.

Under the ADR Rules, sub-paragraph B(10)(a), a failure by the Respondent to comply with any time period is a ground to accept the claims of the Complainant. As noted above, the Respondent has failed to respond within the time period provided.

Under sub-paragraph B(10)(b) of the ADR Rules, the Panel is empowered to draw from the Respondent's failure to comply such inferences as it considers appropriate, and under sub-paragraph B(7)(d) of the ADR Rules, the Panel is empowered to determine in its sole discretion the admissibility, relevance, materiality and weight of the evidence.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant.

In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in sub-paragraph B(11)(e) of the ADR Rules or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant's arguments that the Respondent has acted in bad faith.

6.2. Substantive Aspects

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

In comparing the Mark with the disputed domain name, it is evident that the latter consists of the Mark, followed by the term "facto". and by the country-code Top-Level Domain ("ccTLD") ".eu".

It is well established that a ccTLD does not generally affect the assessment of a domain name for the purpose of determining identity or confusing similarity to the complainant's trademark.

Whilst the addition of another term, such as "facto", may bear on the second or third elements, the Panel finds that the disputed domain name <bpcfacto.eu> is confusingly similar to the Mark protected in France, a European Union Member State,, which is recognizable in the disputed domain name. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.¹

¹ Noting the similarities between the Uniform Domain Name Dispute Resolution Policy (the "UDRP") and the ADR Rules, the Panel has referred to prior UDRP cases and the [WIPO Overview 3.1](#), where appropriate.

Thus, the Complainant has satisfied the requirement of sub-paragraph B(11)(d)(1)(i) of the ADR Rules.

B. Rights or Legitimate Interests

Although a complainant bears the ultimate burden of establishing all required elements of sub-paragraph B(11)(d)(1) of the ADR Rules, with regard to sub-paragraph B(11)(d)(1)(ii) of the ADR Rules, this could result in the often impossible task of proving a negative proposition, requiring information that is primarily, if not exclusively, within the knowledge of a respondent.

Thus, the Panel's view is that sub-paragraph B(11)(d)(1)(ii) of the ADR Rules shifts the burden of production of evidence to the respondent to come forward with evidence of rights or legitimate interests in a domain name, once the complainant has made a prima facie showing, as the Panel finds the Complainant has made in this case, based on the facts and arguments set out above.

See [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.

Furthermore, the Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. See [WIPO Overview 3.1](#), section 2.5.1.

Not only does the disputed domain name contain the Mark in its entirety, but the risk of implied affiliation is compounded by the addition of the term "facto", which may be understood as an abbreviation of "factoring", a financial activity carried out by most banks.

As previously noted, the Respondent offered no reason for registering the disputed domain name. There is no evidence that the Respondent is known by the disputed domain name. No information is provided on the Respondent's website on what rights or legitimate interests the Respondent may have in the disputed domain name, and there is no disclaimer of not being affiliated with the Complainant.

In the circumstances, the Panel is not convinced that the Respondent carries any legitimate interests or rights in the disputed domain name.

The Panel concludes that the Complainant has established the requirement of sub-paragraph B(11)(d)(1)(ii) of the ADR Rules with respect to the disputed domain name.

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 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 chose to register a domain name that is confusingly similar to the Mark.

Prior UDRP panels have found that the Mark is well known or famous (see for instance *BPCE v. WhoisGuard Protected, WhoisGuard, Inc. / Fransis Coarno, Danstic*, WIPO Case No. [D2020-0967](#); *BPCE v. Pierre Agou Michel*, WIPO Case No. [D2020-2361](#); *BPCE v. Emmanuel Asamoah*, WIPO Case No. [D2022-3866](#) and *BPCE v. Seymi Lozano*, WIPO Case No. [D2022-4185](#)).

In the circumstances of this case, the Panel finds that the registration of the disputed domain name was more likely than not made in bad faith.

The disputed domain name resolves to a website offering office cleaning services under the name “BPCE FACTO Nettoyage professionnel”. The disputed domain name is being used to attract Internet users, for commercial gain to the Respondent’s website, by creating a likelihood of confusion with the Complainant’s trademark. This is evidence of bad faith use as described in paragraph B(11)(d)(1)(iii) of the ADR Rules.

Finally, considering the size of the Complainant’s operations and the fact that banking, insurance and financial services are highly regulated industries in France (where the Complainant is headquartered and where the Respondent is located), the Panel finds it impossible to imagine any good faith use to which the disputed domain name could be put by the Respondent.

The Panel concludes, notably in the light of the Respondent’s electing not to provide any substantive defense of its position, that the Respondent’s registration and use of the disputed domain name constitute bad faith, and that the requirement of sub-paragraph B(11)(d)(1)(iii) of the ADR Rules is also satisfied in this case.

7. Decision

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

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.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Sole Panelist

Date: June 18, 2026