

ADMINISTRATIVE PANEL DECISION

BPCE v. Milen Radumilo
Case No. DME2022-0005

1. The Parties

The Complainant is BPCE, France, represented by DBK Société d'avocats, France.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The Disputed Domain Dame <banque-populaire.me> is registered with Communigal Communications Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2022. On April 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 11, 2022, 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 April 13, 2022 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 April 19, 2022.

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 April 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 12, 2022.

The Center appointed Peter Wild as the sole panelist in this matter on May 20, 2022. 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 a major French banking group with two networks, one of them operating under the brand the "Banque Populaire". The Complainant owns a number of trademarks with the element BANQUE POPULAIRE and a word mark for BANQUE POPULAIRE in France, registered under number 3113485 on July 25, 2001, for services in class 35 and 38 and owns and uses a number of domain names with the element BANQUE POPULAIRE.

The Disputed Domain Name was registered on November 25, 2021, and is connected to a parking page which refers to banking services and especially loans and credits.

5. Parties' Contentions

A. Complainant

The Complainant asserts to be a well-known provider of banking services, actively promoting and using its BANQUE POPULAIRE trademark especially in France, but also internationally.

The Disputed Domain Name is, according to the Complainant, confusingly similar to the Complainant's trademark, creating a likelihood of confusion given the exact reproduction of its trademark, just adding the generic top level domain "me" which is non distinctive and has no influence on the assessment of a similarity.

Moreover, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent is not licensee of the Complainant, nor has he been otherwise allowed by the Complainant to make any use of the BANQUE POLULAIRE trademark.

The Respondent is using the Disputed Domain Name to redirect Internet users to a website featuring links to third-party websites, some of which directly compete with the Complainant's business. For instance, the website at which the Disputed Domain Name resolves shows links for services that compete with the Complainant, including "Business Credit Card Offers" and "What is Debt Consolidation Loan". The Complainant assumes that the Respondent receives pay-per-click ("PPC") fees from the linked websites that are listed on the Disputed Domain Name's website.

According to the Complainant, the Respondent has not used the Disputed Domain Name in connection with a *bona fide* offering of goods or services in accordance with paragraph 4(c)(i) of the Policy.

As to the registration of the Disputed Domain Name in bad faith, the Complainant asserts that the Respondent knew or should have known of the Complainant's trademark rights at the time of the registration of the Disputed Domain Name considering that it has acquired considerable goodwill and renown. Further elements of bad faith are, according to the Complainant, the Respondent's use of a privacy shield and the fact that the Disputed Domain Name is used with a website which refers to banking services.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established its prior rights in the BANQUE POPULAIRE trademark.

The Panel sees that the Disputed Domain Name reproduces the Complainant's trademark in its entirety. The addition of the element ".me" as a country code top level domain does not prevent a finding of confusing similarity. See *Inter IKEA Systems B.V. v. Franklin Lavallo / IkeaCuisine.net*, WIPO Case No. [D2015-2042](#). (December 22, 2015). The Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's established trademark.

The first element of the Policy has therefore been established.

B. Rights or Legitimate Interests

The Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests, see *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Once such *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

There is no indication that the Respondent's name somehow corresponds with the Disputed Domain Name and the Respondent does not appear to have any trademark rights associated with the term "banque-populaire". See *VUR Village Trading No. 1 Limited t/a Village Hotels v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2019-1596](#).

The Respondent is not identified in the Whois database as "banque-populaire". Prior UDRP panels have held that a respondent was not commonly known by a Disputed Domain Name, for example, if not even the Whois information was similar to the Disputed Domain Name. There is no evidence in the case file showing that the Respondent may be commonly known as "banque-populaire". The Panel therefore finds under paragraph 4(a)(ii) of the Policy that the Respondent is not commonly known by the Disputed Domain Name.

According to the Complainant, the Respondent is not affiliated with nor authorized by the Complainant in any way to use the trademark and there is no other plausible reason for registration of the Disputed Domain Name than to take advantage of the goodwill and reputation associated with the Complainant's trademark BANQUE POPULAIRE.

The Respondent registered the Disputed Domain Name under a privacy shield and did not file any claims or evidence which would support its rights, both of which has been interpreted as an indication of lack of legitimate rights by earlier panels, see *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#); *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

Based on these facts, the Panel holds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Therefore, the Panel decides that the second element of the Policy is present.

C. Registered and Used in Bad Faith

Earlier panels held that the trademark "BANQUE POPULAIRE" is well-known, see *BPCE v. Sidoine Tonami, 3S-Computing*, WIPO Case No. [D2017-0410](#), *BPCE v. Registration Private, Domains By Proxy, LLC of Arizona/ Sophie Gadoud, Shady's corporation*, WIPO Case No. [D2021-2305](#). Given the distinctiveness of the Complainant's trademark and reputation at the time of the registration of the

Disputed Domain Name, it is reasonable to infer that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant's trademarks, constituting opportunistic bad faith. Also in light of the exact same use of the term "banque-populaire", the Panel finds it hard to see any other explanation than the Respondent knew the Complainant's known trademark, especially as the website under the Disputed Domain Name shows links to industry related offers. See *PRL USA Holdings, Inc. v. LucasCobb*, WIPO Case No. [D2006-0162](#).

The fact that the Respondent used a privacy shield for registration of the Disputed Domain Name and did not file any explanation how it chose this Disputed Domain Name in good faith are further elements of bad faith as found by earlier panels, see *BOUYGUES v. Chengzhang, Lu Ciagao*, WIPO Case No. [D2007-1325](#); *Schering Corporation v. Name Redacted*, WIPO Case No. [D2012-0729](#) and *TTT Moneycorp Limited. v. Diverse Communications*, WIPO Case No. [D2001-0725](#).

The Respondent has not shown to own any trademark or any similar marks or names. The Respondent's lack of rights in the Disputed Domain Name at issue is a further indication of bad faith in registering and using it. Where a domain name is so obviously connected to a particular product or service and the Respondent is found to have no connection to that product or service, opportunistic bad faith is established. See *Molmed S.p.A. v. Prof. Asif Ahmed*, WIPO Case No. [D2001-0177](#).

Earlier UDRP panels have decided that in the absence of any permission by a complainant to use a known trademark, no actual or contemplated *bona fide* or legitimate use of the domain name could reasonably be claimed, see *Alstom, Bouygues v. Webmaster*, WIPO Case No. [D2008-0281](#); *Guerlain S.A. v. Peikang*, WIPO Case No. [D2000-0055](#).

For these reasons, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith pursuant to paragraph 4(b)(iv) of the Policy and that the third element of the Policy is met.

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 <banque-populaire.me> be transferred to the Complainant.

/Peter Wild/
Peter Wild
Sole Panelist
Date: May 27, 2022