

ADMINISTRATIVE PANEL DECISION

Confederation Nationale Du Credit Mutuel v. Diego Gonzalez

Case No. D2022-4405

1. The Parties

The Complainant is Confederation Nationale Du Credit Mutuel, France, represented by MEYER & Partenaires, France.

The Respondent is Diego Gonzalez, France.

2. The Domain Name and Registrar

The disputed domain name <creditmutuel-activation.support> (the “Disputed Domain Name”) is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2022. On November 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 21, 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 (Domain Protection Services, Inc.). The Center sent an email communication to the Complainant on November 22, 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 November 24, 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 November 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 19, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on December 24, 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 the political and central body for the banking group Crédit Mutuel. Crédit Mutuel is a French banking and insurance services group, which provides its services to 12 million clients for more than a century. Crédit Mutuel has a network of 3,178 offices in France, congregated in 18 regional federations. Present in all fields of finance, the group is a major actor on the market of banking services for both individuals and businesses.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- European Union trademark "CRÉDIT MUTUEL" No. 16130403 registered on June 1, 2017, for goods and services in classes 7, 9, 16, 35, 36, 38, 41 and 45;
- European Union trademark "CRÉDIT MUTUEL" No. 18130616 registered on September 2, 2022, for goods and services in classes 7, 9, 16, 35, 36, 38, 41 and 45;
- European Union trademark "CRÉDIT MUTUEL LA BANQUE A QUI PARLER" No. 5146162 registered on August 23, 2007, for goods and services in classes 9, 16, 35, 36, 38, 41, 42 et 45;
- French trademark "CRÉDIT MUTUEL" No.1475940 registered on July 8, 1988, for goods and services in classes 35 et 36, duly renewed;
- French trademark "CRÉDIT MUTUEL" No.1646012 registered on November 20, 1990, for goods and services in classes 16, 35, 36, 38 and 41, duly renewed;

(Hereinafter referred to as the "Trademarks" or "Trademark").

The Complainant also owns several domain names containing the sign CREDIT MUTUEL, including the following:

- <creditmutuel.com> registered on October 28, 1995, and duly renewed;
- <creditmutuel.org> registered on June 3, 2002, and duly renewed;
- <creditmutuel.fr> registered on August 10, 1995, and duly renewed;
- <creditmutuel.info> registered on September 13, 2001, and duly renewed;
- <creditmutuel.net> registered on October 3, 1996, and duly renewed.

The Disputed Domain Name <creditmutuel-activation.support> was registered on January 23, 2022, and reverts to a security warning page.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

- a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant's Trademarks since it fully incorporates the Complainant's Trademark.

- b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:
 - The Complainant has never granted any license or authorization to use its Trademark to the Respondent;
 - The Respondent is not commonly known by the Disputed Domain Name; and
 - There is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

- c) The Respondent registered and used the Disputed Domain Name in bad faith given the following factors:
 - The Disputed Domain Name incorporates the well-known CREDIT MUTUEL Trademark;
 - The addition of a generic word such as “activation” strongly suggest a connection with the Complainant activities; and
 - The Disputed Domain Name redirected to website under construction before reverting to a warning security page.

Finally, 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

A. Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the CREDIT MUTUEL Trademarks since they have been filed and registered several years before the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the identical reproduction of the CREDIT MUTUEL Trademark in its entirety, to which has been added the words “activation” and “support”, as well as the Top-Level Domain (“TLD”) “.com”

The addition of the words “activation” and “support” does not prevent a finding of confusing similarity since the CREDIT MUTUEL Trademark is fully recognizable.

Furthermore, the TLD “.com” is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s Trademark. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a) (ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- The Respondent is not known under the Disputed Domain Name;
- No license or authorization has been granted by the Complainant to the Respondent; and
- The Respondent has not used the Disputed Domain Name for a *bona fide* offering of goods and services as the Disputed Domain Name redirected to a website under construction before reverting to a warning security page.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Moreover, the Panel notes that the nature of the Disputed Domain Name, combining the entirety of the Complainant's distinctive trademark with a descriptive word, carries a risk of implied affiliation (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.5.1).

The Respondent has not come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

Given these circumstances, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel considers that the Respondent could not plausibly ignore the existence of the Complainant's Trademarks at the time the Disputed Domain Name was registered since (i) the Disputed Domain Name was registered several years after the registration of the Complainant's Trademarks; (ii) the Complainant's Trademarks have been recognized as well-known by previous UDRP panels; (iii) and the Respondent is an individual residing in France.

Regarding the well-known character of the Complainant's Trademarks, see in particular: *Confederation Nationale du Credit Mutuel v. Philippe Marie*, WIPO Case [D2010-1513](#), *Confédération Nationale du Crédit Mutuel v. Mariano Jackline and Alex Leparox*, WIPO Case No. [D2013-2134](#), *Confédération Nationale du Crédit Mutuel v. Fernand Macia / Registration Private / Domains By Proxy, LLC / DomainsByProxy.com*, WIPO Case No. [D2015-1699](#), *Confédération Nationale du Crédit Mutuel v. Simo Madridoxi*, WIPO Case No. [D2012-0813](#).

Therefore, the Panel finds that the Respondent registered the Disputed Domain Name because of its reference to the Trademarks owned by the Complainant and the registration was therefore made in bad faith.

As to the use of the Disputed Domain Name in bad faith, the Panel has evidenced that the Disputed Domain Name resolves to a warning security page.

The described use of the Disputed Domain Name in addition to the Respondent's failure to reply to the Complainant's contentions, provide no basis for the Panel to believe that the Disputed Domain Name might conceivably be put to good faith use.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be in bad faith.

Consequently, the Panel finds that the third and final 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, <creditmutuel-activation.support> be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: February 7, 2023