

ADMINISTRATIVE PANEL DECISION

Confédération Nationale du Crédit Mutuel, Crédit Industriel et Commercial S.A. v. Host Master, 1337 Services LLC, faichaud juliette
Case No. D2023-1834

1. The Parties

The Complainants are Confédération Nationale du Crédit Mutuel and Crédit Industriel et Commercial S.A., France, represented by MEYER & Partenaires, France.

The Respondents are Host Master, 1337 Services LLC, Saint Kitts and Nevis and faichaud juliette, France.

2. The Domain Names and Registrars

The disputed domain names <cic-paiement-annulation.com> and <creditmutuel-annulation.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain name <credit-mutuel-annulation.com> is registered with Tucows Inc. (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 25, 2023. On April 25, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 25, 2023, and April 26, 2023, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Redacted for Privacy, GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 27, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on May 2, 2023.

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 Respondents of the Complaint, and the proceedings commenced on May 4, 2023. In accordance with the Rules, paragraph 5,

the due date for Response was May 24, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 26, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on June 13, 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 Confederation Nationale du Credit Mutuel ("Confederation Nationale") is a French association that has provided banking and credit services to businesses and individuals since 1901. Confederation Nationale currently provides banking services to 12 million clients through a network of over 3,000 offices in France.

Confederation Nationale is the holder of the following registrations for the trademark CRÉDIT MUTUEL:

- French Trademark Registration No. 1475940, dated July 8, 1988,
- French Trademark Registration No. 1646012, dated November 20, 1990,

The Complainant Credit Industriel et Commercial S.A., ("Credit Industriel") is France's oldest deposit bank established in 1859. Credit Industriel provides banking and financial services. Credit Industriel has more than 4.7 million clients and more than 2,000 offices in France and other countries.

Credit Industriel is the holder of many trademark registrations for the trademark CIC including, but not limited to, the following:

- French Trademark Registration No. 1358524, dated June 10, 1986,
- European Union Trademark Registration No. 005891411, filed on March 10, 2007, and registered on March 5, 2008,
- European Union Trademark Registration No. 11355328, filed on November 19, 2012, and registered on March 26, 2013.

The Complainants' registered trademarks are herein occasionally referred to collectively as the "Marks".

The disputed domain name <creditmutuel-annulation.com> was registered on March 21, 2023, by the Respondent faichaud juliette. The disputed domain name <creditmutuel-annulation.com> does not resolve to an active website.

The disputed domain name <cic-paiement-annulation.com> was registered on March 22, 2023, by the Respondent faichaud juliette. The disputed domain <cic-paiement-annulation.com> resolves to a warning message stating "403 Forbidden" or "This site is blocked due to a phishing threat".

The disputed domain name <credit-mutuel-annulation.com> was registered on February 7, 2023, by the Respondent Host Master. The disputed domain name <credit-mutuel-annulation.com> does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainants assert that the disputed domain names are confusingly similar to the Marks because the disputed domain name adopts one or other of the Marks entirely and merely adds terms descriptive of

financial and banking services. The Complainants assert that the Respondents were never authorized by the Complainants to use the disputed domain names or the Marks, are not generally known by the disputed domain names, never operated a business under the disputed domain names, have not advertised the disputed domain names, and never engaged in any *bona fide* commercial activity in connection with the disputed domain names. The Complainants asserts that the Respondents registered and used the disputed domain names in bad faith to unfairly compete with the Complainants and to confuse customers.

B. Respondents

The Respondents did not reply to the Complainants' contentions.

6. Discussion and Findings

Consolidation:

The Complainants are part of the same banking group known as Credit Mutuel Alliance Federal. The Complainants request consolidation of the Complainants' claims into a single proceeding against the two Respondents because: (i) the Respondents are apparently related, (ii) the dates of registration of the disputed domain names are proximate, (iii) the Respondents' identities provided to the Registrars are likely fraudulent, and (iv) the composition of the disputed domain names is strikingly similar. The Respondents have not contested consolidation. The Panel finds that the Complainants' arguments are well-taken. The Panel orders consolidation into this single proceeding of the Complainants' claims against both Respondents regarding the three disputed domain names.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain names are confusingly similar to their respective incorporated Marks. The disputed domain names entirely incorporate one or other of the Marks with the mere addition of terms related to the banking and financial services. A domain name which wholly incorporates a complainant's registered mark is sufficient to establish confusingly similarity for the purposes of the Policy when, as here, the Marks are clearly recognizable within the disputed domain names notwithstanding the addition of the French financial terms "paiement" and "annulation" meaning "payment" and "cancellation" in English. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element")

The generic Top-Level Domain of the disputed domain names, here ".com", may be disregarded for the purposes of assessment under the first element, as they are viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1; *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#); *International Business Machines Corporation v. Sledge, Inc. / Frank Sledge*, WIPO Case No. [D2014-0581](#).

B. Rights or Legitimate Interests

The Panel finds that the Respondents do not have any rights or legitimate interests in the disputed domain names.

The Complainants have specifically disavowed providing the Respondents with permission to use the disputed domain names or the Marks. The Respondents are not affiliated with the Complainants in any way and do not have any business relationship with the Complainants. There is no evidence that the Respondents have conducted any *bona fide* business under the disputed domain names or are commonly known by the disputed domain names. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

The Complainants have thus established a *prima facie* case in their favor, which shifts the burden of production on this point to the Respondents. The Respondents, however, have failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain names.

Moreover, the prominent placement of the Complainants' Marks in the disputed domain names with terms related to the banking and financial services falsely suggests that the disputed domain names will resolve to websites related to the Complainants' financial products and services (see [WIPO Overview 3.0](#), section 2.5.1).

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that the disputed domain names were registered and used in bad faith.

Common sense compels the conclusion that the Respondents were aware of the Complainants' famous and well-known Marks when registering the disputed domain names and intentionally registered the disputed domain names to mislead unsuspecting Internet users into believing that the disputed domain names would resolve to websites regarding "paiement" and "annulation" (in English "payment" and "cancellation") of their accounts with the Complainants.

Additionally, an un rebutted case of bad faith is established by the fact the disputed domain name <cic-paiement-annulation.com> resolves to a webpage containing the message "403 Forbidden" because of suspected phishing activity.

The two remaining disputed domain names <creditmutuel-annulation.com> and <credit-mutuel-annulation.com> do not resolve to active websites. The mere fact that these disputed domain names are currently inactive does not prevent a finding of bad faith under the doctrine of passive holding especially under the circumstances of this case which include the fact that the registrant of the disputed domain name <cic-paiement-annulation.com>, which resolves to a "Forbidden" website, is the registrant of the disputed domain name <creditmutuel-annulation.com> which in turn is virtually identical to the disputed domain name <credit-mutuel-annulation.com>. "[WIPO Overview 3.0](#)", section 3.3. The registrations and use of the three disputed domain names are inextricably intertwined in a likely pattern of fraud and deception.

Finally, even ignoring the above evidence of bad faith registration and use, it is difficult to conceive of any use that the Respondents might make of the disputed domain names without the Complainants' consent that would not involve bad faith. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#) (where the reputation of a complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred).

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 names <cic-paiement-annulation.com>, <credit-mutuel-annulation.com> and <creditmutuel-annulation.com> be transferred to the Complainants.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: June 27, 2023.