

## **ADMINISTRATIVE PANEL DECISION**

### **VFS Finance France v. Gilbert Lucien Fernand BLANCAFORT Case No. D2022-4703**

#### **1. The Parties**

The Complainant is VFS Finance France, France, represented by Cabinet Lavoix, France.

The Respondent is Gilbert Lucien Fernand BLANCAFORT, France.

#### **2. The Domain Name and Registrar**

The disputed domain name <vfsfinance.com> is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 8, 2022. On December 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 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 December 14, 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 December 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 9, 2023.

The Center appointed Elise Dufour as the sole panelist in this matter on January 16, 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 is a financing company recorded on the REGAFI list maintained by the Bank of France. The Complainant offers financial services notably for acquiring trucks and vehicles.

The Complainant is the owner of the following trademark:

- the French verbal trademark VFS FINANCE FRANCE No. 3115693 registered on August 6, 2001

The disputed domain name <vfsfinance.com> was registered on March 14, 2021. It leads to an active web page, offering various financial services.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant claims that the disputed domain name is (i) identical or confusingly similar to its earlier trademark, (ii) that the Respondent has no rights or legitimate interests in the disputed domain name, and (iii) that the disputed domain name has been registered and is being used in bad faith.

- (i) The Complainant claims that the disputed domain name is confusingly similar to its trademark, since the disputed domain name reproduces the first words of its trademark VFS FINANCE FRANCE, the distinctive part of the trademark being VFS. In addition, for the Complainant, the term ".com" in the disputed domain name is not distinctive since it is a generic Top-Level Domain ("gTLD") required for the registration and correct use of a domain name.
- (ii) The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name and the Complainant has not licensed or otherwise permitted the Respondent to use its trademark VFS FINANCE FRANCE. Furthermore, the Complainant contends that the Respondent is making an unfair commercial use of the disputed domain name in direct competition to its activities. The Complainant also contends there is no plausible explanation for the Respondent's registration of the disputed domain name.
- (iii) The Complainant contends that the Respondent uses the disputed domain name for services identical to the services covered by its trademark. The Complainant also claims that the Respondent's use of the disputed domain name is made in bad faith, as it aims to cause confusion among Internet users as to the source of the disputed domain name. Furthermore, the Complainant claims that the Respondent is not a financing company duly recorded on the REGAFI list, there is no legal mentions on this website, the website mentions that it is an International Bank and that it has 30 years of experience whereas the disputed domain name was registered on March 14, 2021, the address mentioned on the website does not match the information available in the website, the only phone number available is a French one. The Complainant concludes that the disputed domain name serves a fraudulent and "phishing" website used by cybercriminals to defraud and steal personal and financial information.

The Complainant requests the transfer of the disputed domain name.

##### **B. Respondent**

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

## 6. Discussion and Findings

In the absence of a formal Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

### A. Identical or Confusingly Similar

The Complainant has provided evidence to establish its rights in the trademark VFS FINANCE FRANCE.

The disputed domain name integrates the dominant part of the Complainant's trademark VFS FINANCE FRANCE, without the element "FRANCE". In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. Section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark.

As a result, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

Thus, the requirement of paragraph 4(a)(i) of the Policy is met.

### B. Rights or Legitimate Interests

The Panel notes the following circumstances in relation to any possible rights or legitimate interests of the Respondent in the disputed domain name: (i) the Respondent is not authorized or licensed by the Complainant to use the Complainant's trademark or to register and use the disputed domain name; (ii) there is no evidence that the Respondent has been commonly known by the disputed domain name; (iii) there is no plausible explanation for the Respondent's registration of the disputed domain name.

By incorporating the dominant portion of the Complainant's trademark, namely "VFS FINANCE", to host a website offering competing services, the Respondent cannot be said to be making a *bona fide* offering of goods or services under the disputed domain name. Rather, the composition of the disputed domain name, taken together with its use, reflects the Respondent's intent to illicitly benefit from the risk of implied affiliation to the Complainant.

In these circumstances, and without any explanation of the Respondent on the reason why he registered the disputed domain name, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name was registered in bad faith and also “is being used” in bad faith. Paragraph 4(b) sets out the four circumstances without limitation which if found by a Panel to be present shall be evidence of the registration and use of a domain name in bad faith. However, bad faith may be established on grounds other than those set out in paragraph 4(b), as the circumstances in paragraph 4(b) are expressed to be “in particular but without limitation”.

The Panel finds that bad faith is established in the present case for the following reasons: (i) the Panel finds that the choice of the Respondent to register the disputed domain name by choosing the distinctive part of the Complainant’s trademark was not coincidental but deliberate and in full knowledge of the Complainant’s VFS FINANCE FRANCE trademark; (ii) the Panel finds that the Respondent intended to deceive and take advantage of Internet users who would expect to find a website that is affiliated to or sponsored by the Complainant at a domain name incorporating the dominant part of the VFS FINANCE FRANCE trademark; and, (iii) finally the fact that the Respondent is not a financing company recorded on the REGAFI list, that there is no legal mentions on this website, and that the website mentions falsely that the Respondent is an International Bank, convince the Panel to consider that the disputed domain name is likely to serve a fraudulent and “phishing” website to defraud and steal personal and financial information.

There is therefore bad faith registration and use within the meaning of paragraph 4(b)(iv) of the Policy in that the Respondent has intentionally attempted to attract, for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation and endorsement of its website.

### **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, <vfsfinance.com>, be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: January 30, 2023