

## **ADMINISTRATIVE PANEL DECISION**

Credit Industriel et Commercial S.A. v. Carolina Rodrigues, Fundacion Comercio Electronico  
Case No. D2023-0870

### **1. The Parties**

The Complainant is Credit Industriel et Commercial S.A., France, represented by MEYER & Partenaires, France.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

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

The disputed domain name <cicinnovations.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 27, 2023. On February 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 2023, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 2023, 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 March 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 Respondent of the Complaint, and the proceedings commenced on March 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 6, 2023.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on April 18, 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, Credit Industriel et Commercial S.A., is a French deposit bank constituted in 1859. It serves about 5.3 million clients through 1,800 agencies in France and 37 agencies abroad.

The Complainant owns several trademarks incorporating CIC, which stands for “Credit Industriel et Commercial”, in France and in the European Union (e.g., European Union Trade Mark registration No. 005891411 registered on March 5, 2008). It also holds the French trademark START INNOVATION CIC, registration No. 4526209, registered on February 18, 2019. In addition, it registered several domain names, most notably <cic.fr> and <cic.eu>.

The disputed domain name resolves to a parking site which contains advertising links, among other things to competing offers.

#### **5. Parties’ Contentions**

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

The Complainant contends that the disputed domain name is confusingly similar to its CIC trademarks, which it claims to be well known, as well as confusingly similar to the trademark START INNOVATION CIC.

Furthermore, the Complainant states that the Respondent received no authorization to use or apply for registration of the disputed domain name, has not at any time been commonly known by the disputed domain name and that it is not making any legitimate noncommercial or fair use of it. Therefore, the Respondent has no rights or legitimate interests in the disputed domain name.

Lastly, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name resolves to a website with advertising links to competitive offers. Furthermore, the Complainant contends that the Respondent has been involved in numerous UDRP proceedings and thus is characterised as a “serial cybersquatter”.

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

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

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, the Complainant must prove that:

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

## A. Identical or Confusingly Similar

The trademarks put forward by the Complainant demonstrate that the Complainant has rights in relevant trademarks.

Under the UDRP, the requirement under paragraph 4(a) of the Policy requires the disputed domain name to be identical or confusingly similar to the complainant's trademarks. There is no requirement of similarity of goods and/or services.

The existence of confusing similarity within the meaning of paragraph 4(a) of the Policy is not in doubt in the present case, given that the disputed domain name incorporates in full the Complainant's trademark CIC. The incorporation of a trademark in its entirety is typically sufficient to establish that a disputed domain name is identical or confusingly similar to a trademark. The other elements of the disputed domain name, *i.e.*, the element "innovations" does not prevent a finding of confusing similarity.

As far as the generic Top-Level Domain ".com" is concerned, this element has a technical function and therefore is typically not taken into account when assessing the issue of identity or confusing similarity.

The Panel thus finds that the disputed domain name is confusingly similar to the Complainant's trademark CIC.

## B. Rights or Legitimate Interests

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name, in particular that the Respondent has not at any time been commonly known by the disputed domain name and that the Respondent is not making legitimate noncommercial or fair use of the disputed domain name. The Complainant has contested having granted the Respondent any rights to use its trademarks.

Furthermore, by not submitting any response to the Complaint, the Respondent failed to invoke any circumstance that might demonstrate, pursuant to paragraph 4(c) of the Policy, that it holds any rights or legitimate interests in the disputed domain name (*Ahead Software AG v. Leduc Jean*, WIPO Case No. [D2004-0323](#); see also, *Nintendo of America, Inc., v. Tasc, Inc. and Ken Lewis*, WIPO Case No. [D2000-1563](#), finding that the respondent's default was sufficient to conclude that it had no rights or legitimate interests in the disputed domain name).

Regarding the Respondent's use of the disputed domain name for a website displaying links to third-party websites which are in part competitive to the Complainant's businesses, it should be noted that such use of the disputed domain name does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the Complainant's mark (*Express Scripts, Inc. v. Windgather Investments Ltd. / Mr. Cartwright*, WIPO Case No. [D2007-0267](#)).

The Panel finds that the Complainant has made an unrebutted *prima facie* case showing that the Respondent does not have any rights or legitimate interests in the disputed domain name.

## C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The undisputed *prima facie* evidence establishes that the Respondent is not affiliated with the Complainant and has no license or other authorisation to use the Complainant's trademarks.

The Respondent registered the disputed domain name well after the CIC trademark was in use and became known, namely on February 6, 2023. The Panel finds that the Respondent must have known about the Complainant's trademarks and business when registering the disputed domain name. It is highly improbable

to the Panel that the Respondent was unaware of it at the time it registered the disputed domain name. This assessment is confirmed by the fact that the Respondent incorporated the element “innovations” into the disputed domain name, which element refers to the Complainant’s program supporting companies and innovation actors and its secondary trademark START INNOVATION CIC.

Furthermore, based on the record, the Panel finds that the use to which the disputed domain name has been put, evidences the Respondent’s bad faith. Indeed, it results from the Panel’s factual findings that the Respondent is using the disputed domain name to display links to third-party offers, including to competitors’ offers of banking services, and that it thereby presumably intends to generate commercial revenue. The Panel therefore finds that by using a domain name that is confusingly similar with the Complainant’s trademark to attract Internet users to third-party websites, the Respondent creates a likelihood of confusion, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Moreover, the Panel also notes that the Respondent has been involved in a large number of UDRP proceedings, in which the Respondent has registered domain names incorporating the trademarks of third parties.

Based on the above, the Panel finds that the Respondent both registered and is using the disputed domain name in bad faith.

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

*/Lorenz Ehrler/*

**Lorenz Ehrler**

Sole Panelist

Date: May 2, 2023