

## **ADMINISTRATIVE PANEL DECISION**

Bforbank v. M Verschoor

Case No. D2023-2583

### **1. The Parties**

The Complainant is Bforbank, France, represented by Nameshield, France.

The Respondent is M Verschoor, Netherlands (Kingdom of the).

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

The disputed domain names <beforebnk.com>, <bfbforbank.com>, <bfoebank.com>, <b-forbank.com>, <bf-orbank.com>, <bforban-k.com>, <bforbanks.com>, <bforbanks.online> and <bforebank.site> are registered with Realtime Register B.V. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 15, 2023. On June 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 19, 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 (Not Identified / Unknown / Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 June 19, 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 June 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 18, 2023.

The Center appointed George R. F. Souter as the sole panelist in this matter on July 25, 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 100% online bank, launched in October 2009 by the Crédit Agricole Regional Banks. It offers daily banking, savings, investment, and credit (consumer and real estate) services for 240,000 customers.

The Complainant owns a number of registrations of its BFORBANK trademark, including European Union Trademark Registration No. 008335598, registered on December 8, 2009.

The disputed domain name <b-forbank.com> was registered on June 2, 2023.  
The disputed domain name <beforebnk.com> was registered on June 3, 2023.  
The disputed domain name <bf-orbank.com> was registered on June 5, 2023.  
The disputed domain name <bfbforbank.com> was registered on June 3, 2023.  
The disputed domain name <bfoebank.com> was registered on June 3, 2023.  
The disputed domain name <bforban-k.com> was registered on June 2, 2023.  
The disputed domain name <bforbanks.com> was registered on June 5, 2023.  
The disputed domain name <bforbanks.online> was registered on June 6, 2023.  
The disputed domain name <bforebank.site> was registered on June 8, 2023.

The disputed domain name <bfbforbank.com> resolves to a WordPress template page, and the disputed domain names <bforbanks.online> and <bforebank.site> resolve to the same website providing apparently information about a marketing digital company. The remaining disputed domain names resolve to inactive pages.

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

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

The Complainant alleges that each of the disputed domain names are confusingly similar to its BFORBANK trademark, containing its BFORBANK trademark in its entirety or minimally misspelled or pluralised versions.

The Complainant alleges that the Respondent lacks rights or legitimate interests in all of the disputed domain names, in particular that the Respondent is not generally known by any of the disputed domain names, and the Complainant has never granted permission to the Respondent to use its BFORBANK trademark in connection with the registration of a domain name or otherwise.

The Complainant alleges that all the disputed domain names were registered in bad faith, and are being used in bad faith.

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

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

## 6. Discussion and Findings

### A. Identical or Confusing Similarity

The Panel finds that the Complainant has rights to the trademark BFORBANK for the purposes of these proceedings under the Policy.

It is well established in prior decisions under the UDRP, with which the Panel agrees, that a generic Top-Level Domain (“gTLD”) may generally be disregarded when comparing a trademark with a disputed domain name. The Panel finds that the gTLDs “.com”, “.online” and “.site” may be disregarded in the circumstances of the present case.

The Complainant’s BFORBANK trademark is instantly recognizable in all the disputed domain names because the disputed domain names <bfbforbank.com>, <b-forbank.com>, <bf-orbank.com>, <bforban-k.com>, <bforbanks.com>, and <bforbanks.online> incorporate the BFORBANK in its entirety and each of the disputed domain names <beforebnk.com>, <bfoebank.com>, and <bforebank.site> incorporates a misspelled version of the mark, rendering all the disputed domain names confusingly similar to the Complainant’s trademark. The various minimal misspellings, the additional letter(s) “s” or “bf”, or a hyphen does not prevent a finding of confusing similarity.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

The Panel considers that the Complainant’s allegations under section 5 above are sufficient to provide a *prima facie* case under this heading.

It is the consensus view of UDRP panels, with which the Panel agrees, that a *prima facie* case advanced by the complainant will generally be sufficient for the complainant to be deemed to have satisfied the requirement of paragraph 4(a)(ii) of the Policy, provided the respondent does not come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Respondent did not advance any claim of rights or legitimate interests in the disputed domain names to rebut this *prima facie* case.

Accordingly, and considering the Panel’s finding below, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Panel is of the view that the finding that the Respondent has no rights or legitimate interests in a disputed domain name can lead, in appropriate circumstances, to a finding of registration of a disputed domain name in bad faith. The circumstances of the present case, in which the Panel regards it as self-evident that the Complainant’s prior registered BFORBANK trademark was deliberately surrounded by typosquatting alternatives in some of the disputed domain names, are such that the Panel concludes that a finding of registration in bad faith is justified, in connection with the disputed domain names and so finds.

The disputed domain names <bforbanks.online> and <bforebank.site> resolve to the same website apparently providing information about a marketing digital company. The Respondent’s use of the disputed domain names that are confusingly similar to the Complainant’s trademark to promote third party business constitutes use of the disputed domain names <bforbanks.online> and <bforebank.site> in bad faith.

The disputed domain name <bfbforbank.com> resolves to a WordPress template page without any substantive content, and the remaining disputed domain names resolve to inactive pages. Since the

decision in *Telstra Corporation v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), it has become well-established in subsequent decisions that the non-use of a disputed domain name does not prevent a finding of use in bad faith under the doctrine of passive holding. “While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, [...] and (iv) the implausibility of any good faith use to which the disputed domain name may be put.” See section 3.3 of the WIPO Overview WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). The circumstances of the present case, including the reputation of the Complainant’s trademark, the lack of response from the Respondent, and the implausibility of any good faith use to which the disputed domain names may be put, are such that the Panel considers that a finding of use in bad faith is clearly appropriate in connection with the disputed domain names, and so finds.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

## 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 <beforebnk.com>, <bfbforbank.com>, <bfoebank.com>, <b-forbank.com>, <bf-orbank.com>, <bforban-k.com>, <bforbanks.com>, <bforbanks.online>, and <bforebank.site> be transferred to the Complainant.

*/George R. F. Souter/*

**George R. F. Souter**

Sole Panelist

Date: August 8, 2023