

ADMINISTRATIVE PANEL DECISION

Crédit Industriel et Commercial S.A., Confédération Nationale du
Crédit Mutuel v. Kevin Lacroix
Case No. D2023-3496

1. The Parties

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

The Respondent is Kevin Lacroix, France.

2. The Domain Names and Registrar

The disputed domain names <mabanqueenligne-creditmutuel.com> and <monespaceenligne-cic.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 17, 2023. On August 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 18, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 18, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amended Complaint. The Complainants filed an amended Complaint on August 21, 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 August 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2023.

The Center appointed William Lobelson as the sole panelist in this matter on September 21, 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.

3.1 Consolidation of proceedings

The Complainants, that are both part of the same group, have requested the consolidation of their Complaint.

The Panel is to refer to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation".

In the present matter, it is established that the Respondent is the single registered owner of the two disputed domain names, that were registered on the same date with the same Registrar. Both Complainants have a common grievance against the Respondent, and the latter has engaged in common conduct that is likely to affect the Complainants in similar fashion. Both Complainants are besides affiliated as being part of the same group.

It therefore appears equitable and procedurally efficient to the Panel to permit the consolidation.

4. Factual Background

The Complainants are:

- Crédit Industriel et Commercial S.A (CIC)
- Confédération National du Crédit Mutuel

Both are part of the same banking group known as Crédit Mutuel Alliance Fédérale, one of the largest French banking and insurance services group.

Crédit Industriel et Commercial S.A is the registered owner of a large number of trademarks consisting or including the sign "CIC" in France and abroad, *inter alia*:

- "CIC" French trademark No. 1358524, registered on June 10, 1986;
- "CIC" European Union trademark No. 005891411, registered on March 5, 2008;
- "CIC" European Union trademark No. 11355328, registered on March 26, 2013.

Crédit Industriel et Commercial S.A also owns and uses the domain names:

- <cic.fr>
- <cic.eu>

Confédération Nationale du Crédit Mutuel is the registered owner of a large number of trademarks consisting of or including the wording "Crédit Mutuel", in France and abroad. *Inter alia*:

- CRÉDIT MUTUEL, French device trademark No. 1475940, registered on July 8, 1988, in classes 35 and 36;
- CRÉDIT MUTUEL, French device trademark No. 1646012, registered on November 20, 1990 in classes 35, and 36;

- CRÉDIT MUTUEL, European Union word Trade mark No. 016130403, registered on June 1, 2017 in classes 7, 9, 16, 35, 36, 38, 41, and 45; and
- CRÉDIT MUTUEL, International device trademark No. 570182, registered on May 17, 1991 in classes 16, 35, 36, 38, and 41.

It has also registered several domain names including the trademark CRÉDIT MUTUEL under gTLD and country code Top-Level Domain (“ccTLD”), *inter alia*:

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

In addition, the trademarks CIC and CRÉDIT MUTUEL have been recognized as well known by previous UDRP decisions, *inter alia*:

- *Credit Industriel et Commercial v. Mao Adnri* WIPO Case No. [D2013-2143](#) regarding domain name <cic-particuliers.com>: “The Complainant has been using the CIC trademark for decades in the area of banking and financial services. The Panel finds that this mark, owned by the Complainant, is a well-known one and the Complainant has rights in several CIC trademarks.”
- *Confédération Nationale du Crédit Mutuel v. Philippe Marie*, WIPO Case No. [D2010-1513](#): “Besides, Complainant’s trademark CREDIT MUTUEL is well known.”

The disputed domain names <mabanqueenligne-creditmutuel.com> and <monespaceenligne-cic.com> were registered on May 21, 2023. None resolves to any active web page.

5. Parties’ Contentions

A. Complainants

The Complainants claim that the disputed domain names are confusingly similar to their earlier trademarks, that the Respondent has no rights or legitimate interests in the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith. The Complainants request the transfer of the disputed domain names.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainants to make out their case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainants must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights (paragraph 4(a)(i));
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii)); and
- (iii) the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii)).

A. Identical or Confusingly Similar

The disputed domain names are: <mabanqueenligne-creditmutuel.com> and <monespaceenligne-cic.com>.

The Complainants are the owners of trademark registrations formed with “CIC” and “Credit Mutuel”.

The disputed domain names reproduce and imitate the Complainants’ trademarks.

Where the relevant trademarks are recognizable within the disputed domain names, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), in this case the terms “mabanqueenligne” and “monespaceenligne”, would not prevent a finding of confusing similarity under the first element; see section 1.8 of the [WIPO Overview 3.0](#).

The addition of the generic Top-Level Domain (“gTLD”) “.com” do not either prevent a finding of confusing similarity.

Consequently, the Panel finds that the Complainants have satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defenses under UDRP paragraph 4(c) include the following:

(i) before any notice of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods and services;

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel notes that the Respondent has not filed a response and thus did not deny the Complainants’ assertions, nor brought any information or evidence for demonstrating any rights or legitimate interests.

The Complainants have made a *prima facie* showing that the Respondent does not have any rights or legitimate interests in the disputed domain names, particularly by asserting that the Respondent is not affiliated with them in any way and that they never authorized the Respondent to use their trademarks as part of the disputed domain names.

The Complainants further contend that the Respondent is not known under the disputed domain names and does not make any *bona fide* use of the same, being emphasized that the disputed domain names do not resolve towards any active web page, but only an error page.

The Panel finds that the Complainants have met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain names.

Accordingly, the Complainants have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainants claim that the Respondent has registered the disputed domain names and uses the same in bad faith, even though the said domain names do not resolve towards any active webpage.

It is a consensus view among UDRP panels that, with comparative reference to the circumstances set out in paragraph 4(b) of the UDRP deemed to establish bad faith registration and use, the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith.

The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith.

Examples of what may be cumulative circumstances found to be indicative of bad faith include the Complainant having a well-known trademark, no response to the Complaint having been filed, and the Respondent's concealment of its identity. UDRP panels may draw inferences about whether a domain name was used in bad faith given the circumstances surrounding registration.

The Complainants have substantiated the fact that their trademarks CIC and CRÉDIT MUTUEL, which have been registered and used in France for years, now benefit from a high level of public awareness. Earlier UDRP decisions have acknowledged the Complainants' trademarks reputation:

Credit Industriel et Commercial S.A. v. LEFEBVRE MAXIME, WIPO Case No. [D2022-3567](#): "Given the strong reputation of the Complainant's CIC and CIC BANQUES trademarks, the Panel considers that the Respondent knew or should have known of said trademarks at the time of the registration of the disputed domain name."

Confédération Nationale du Crédit Mutuel v. Mariano Jackline and Alex Leparox, WIPO Case No. [D2013-2134](#): "In view of the well-known character and the reputation of the trademark CREDIT MUTUEL in the field of banking and financial services, the Panel considers that the Respondents could not have ignored this trademark at the time they applied for the registration of the confusingly similar disputed domain names <creditmutuell.info> and <creditmutuell.org>."

Further the disputed domain names were registered using a privacy service filed anonymously, but when the identity of the Respondent was disclosed by the Registrar, it was confirmed that this individual was based in France.

The Complainants' investigations reveal that the details of the Respondent and in particular his address are not genuine.

The fact that the Respondent used a French address implies that he is a French resident or at least has connections with France, where the Complainants' marks are very well-known.

Further, the Panel observes that the Respondent has chosen to associate to the Complainants' marks the terms "monespaceenligne" and "mabanqueenligne", that directly refer to banking services in which the Complainants operate and built up a reputation, and that can mistakenly be understood as a way for the users to access their personal accounts or personal space linked to the CIC and CREDIT MUTUEL.

In light of the above, this Panel finds hard to believe that the Respondent did not have the Complainants' trademarks in mind when he registered the disputed domain names.

Regarding the similarity of the disputed domain names with the trademarks CIC and CRÉDIT MUTUEL, there is no way in which the disputed domain names could have been registered and then used in good faith.

The Panel also notes that the Respondent did not reply to the Complaint.

The Panel infers from the above that the Respondent acted in bad faith when he registered the disputed domain names, and still acts in bad faith.

The disputed domain names are currently not directed to any active web page.

As stated in [WIPO Overview 3.0](#), section 3.3, there is a consensus view about “passive holding”:

“From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or ‘coming soon’ page) would not prevent a finding of 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, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.”

Such passive holding is to be regarded as use in bad faith (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#); *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#); *Westdev Limited v. Private Data*, WIPO Case No. [D2007-1903](#); *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#); *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#)).

Confédération Nationale du Crédit Mutuel v. Nicola Bazar, WIPO Case No. [D2013-1572](#):

“Respondent knew or should have known that the Domain Name included Complainant’s CREDIT MUTUEL well-known trademark. [...] However, passive holding of the website does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that Respondent undeveloped use of the website at the Domain Name which incorporates Complainant’s trademark in its entirety indicates that Respondent possibly registered the Domain Name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, as per paragraph 4(b)(iv) of the Policy.”

Besides, given that the Complainants operate in financial and banking services, the Panel suspects that the registration of the disputed domain names, which have been found confusingly similar with the Complainants’ trademarks, is very likely intended for phishing purposes or similar fraudulent activities (*Boursorama S.A. v. FG GFGS*, WIPO Case No. [D2023-2729](#)).

Accordingly, the Complainants have satisfied 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, <mabanqueenligne-creditmutuel.com> and <monespaceenligne-cic.com> be transferred to the Complainants.

/William Lobelson/

William Lobelson

Sole Panelist

Date: October 4, 2023