

ADMINISTRATIVE PANEL DECISION

CA Consumer Finance v. Name Redacted

Case No. D2023-4750

1. The Parties

The Complainant is CA Consumer Finance, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <sofinco-ca-cf.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2023. On November 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 November 22, 2023.

On November 17, 2023, the Center informed the parties in French and English, that the language of the registration agreement for the disputed domain name is French. On November 22, 2023, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

¹ The Respondent appears to have used the name of an employee of the Complainant when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 20, 2023.

The Center appointed Elise Dufour as the sole panelist in this matter on January 3, 2024. 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 CA Consumer Finance, a company part of the Credit Agricole Group, an international banking group which is made up of a network of banks and financial service companies providing a full spectrum of banking and financial services including retail banking, insurance, specialized consumer credit services, corporate and investment banking.

The Complainant was established in 2010 following a merger between Sofinco and Finaref. The Complainant employs 139,000 employees worldwide to support over 52 million customers in its 11,000 branches globally.

Currently, the Complainant provides consumer credit services mainly through its Sofinco brand.

The Complainant is the owner of numerous SOFINCO trademark registrations, including:

- the French Trademark registration SOFINCO No. 1519214 registered on August 25, 1989;
- the European Union Trade Mark registration SOFINCO No. 004519732 registered on July 3, 2007;
- the International Trademark registration SOFINCO No. 730493 registered on November 24, 1999.

The Complainant is also the owner of over 300 domain names which incorporate the Complainant’s trademarks, out of which about 40 domain names incorporate the SOFINCO trademark.

The disputed domain name was registered on July 7, 2023. It resolves to a blank page and lacks content.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that (i) the disputed domain name is confusingly similar to its earlier trademarks, (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. Finally, the Complainant claims that the Respondent used the identity of an employee of the Complainant when registering the dispute domain name and requested the name redaction accordingly.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is French. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter. In addition, the Complainant previously sent cease-and-desist letters to the Respondent and the Respondent had then the opportunity to respond to such letters and request that communications continue in French, which the Respondent did not do.

The Respondent did not make any submissions regarding the language of the proceeding, and did not file any response in either French or English, after the Respondent had been duly notified in both French and English of the language of the proceeding, and of the Complaint (and the amended Complaint).

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time, and costs.

Although there is insufficient evidence to support the conclusion that the Respondent is conversant in English, the Panel is mindful of the need to ensure the proceeding is conducted in a timely and cost-effective manner and notes further that the Respondent has not taken any part in this proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the trademark SOFINCO is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of a hyphen and of the letters "ca" and "cf", which could be viewed as referring to the initials of the Complainant, may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the disputed domain name as a trademark or acquired trademark rights or is commonly known by the disputed domain name. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services.

On the contrary, it appears that the disputed domain name resolves to an inactive page.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has registered the disputed domain name using the name of the Complainant’s market manager. It is also relevant that the disputed domain name includes “cf” and “ca” which could be seen as a reference to the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Moreover, the fact that the Respondent used the name of an employee of the Complainant is a clear indication that the Respondent had the Complainant’s trademark in mind at the time of the registration of the disputed domain name. Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or impersonation/passing off, or other types of fraud such as the identity theft of an employee of the Complainant) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The website at the disputed domain name tries to impersonate the Complainant. This is bad faith use of the disputed domain name.

The fact that the disputed domain name does not resolve to an active website does not prevent a finding of bad faith under the doctrine of passive holding. In its determination, the Panel considered the degree of

distinctiveness and reputation of the Complainant's SOFINCO trademark, as well as the Respondent's failure to respond in the face of the Complainant's allegations of bad faith. [WIPO Overview 3.0](#), section 3.3.

In the light of the above, the Panel finds that the Respondent registered and used the disputed domain name in bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <sofinco-ca-cf.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: January 17, 2024