

ADMINISTRATIVE PANEL DECISION

Natixis v. Rawls cynthia bernice

Case No. D2022-0483

1. The Parties

The Complainant is Natixis, France, represented by Inlex IP Expertise, France.

The Respondent is Rawls cynthia bernice, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <natixisfx.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2022. On February 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 14, 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 February 15, 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 February 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 9, 2022.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on March 14, 2022. 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 Natixis, a French multinational financial services firm specialized in asset & wealth management, corporate & investment banking, insurance, and payments, being part of the Groupe BPCE, the second largest banking group in France.

The Complainant is known worldwide under the trademark NATIXIS and uses it in connection with their banking and financial services.

The Complainant owns several registrations and applications for the NATIXIS trademark (including International Registration No. 1071008, registered on April 21, 2010, designating United States), as well as for domain names incorporating the NATIXIS mark. Proofs of these registrations were duly produced in the Complaint as Annexes 3 and 4.

The disputed domain name was registered on February 7, 2022. The disputed domain name currently does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name <natixisfx.com> is confusingly similar to the Complainant's marks registered and used worldwide. In fact, the only distinctive word integrating the disputed domain name is "natixis", which is identical to the Complainant's registered mark.

The expression chosen by the Respondent to compose the disputed domain name together with "natixis" is "fx", which is the common abbreviation in the field of trading for "Foreign Exchange Market" or "Forex", the global market for exchanging national currencies with one another, and is obviously related to the Complainant's main activities. The abbreviation does not prevent the confusing similarity between the disputed domain name and the Complainant's trademark. On the contrary, it leads to confusion, given the presence of the Complainant's mark.

The Complainant owns several registrations worldwide for trademark NATIXIS, as well as several domain names bearing this mark, as evidence by annexes 3 and 4 to the Complaint.

The disputed domain name adopted by the Respondent – a reproduction of the Complainant's registered mark associated with descriptive abbreviation – shows a clear intention of misleading the Internet users.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- 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 to 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

Regarding the first of the elements, the Panel is satisfied that the Complainant has presented adequate proof of having rights in the mark NATIXIS, registered throughout the world. In addition, the Complainant has been providing a full range of banking and financial services under the NATIXIS.

Further, the Panel finds that disputed domain name <natixisfx.com> is indeed confusingly similar to the trademark belonging to the Complainant, since this mark is entirely reproduced in the disputed domain name registered by the Respondent with the addition of “fx”. The addition of “fx” does not prevent a finding of confusing similarity between the Complainant’s NATIXIS trademark and the disputed domain name.

Hence, the Panel concludes that the first of the elements in the Policy has been satisfied by the Complainant in this dispute.

B. Rights or Legitimate Interests

The Panel understands that the mark NATIXIS is naturally associated with the Complainant, since it is not only registered as a mark in its name, but also has been used to identify the services rendered by the Complainant.

Further, the Complainant provided sufficient evidence of the fame of the mark NATIXIS and the full range of services rendered under this name to its clients. Hence, the Panel considers that the Respondent, in all likelihood, could not be unaware of the mark NATIXIS, and its direct relation to the Complainant. In addition, the nature of the disputed domain name carries a risk of implied affiliation with the Complainant.

The Complainant alleges that the disputed domain name pointed to a website that looked like a cryptocurrency investment page. The Complainant took appropriate steps to have the page deactivated and was successful. However, the deactivation took place before the Complainant could obtain screenshots of the page.

In any event, the Panel is satisfied that the Complainant has made a *prima facie* showing of the Respondent’s lack of rights and legitimate interests in the disputed domain name. This has not been rebutted by the Respondent.

Thus, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. For this reason, the Panel believes that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in sections A and B above can also evidence the Respondent’s bad faith in the registration and use of the disputed domain name.

The disputed domain name was registered to clearly mislead consumers – it pointed to a website that looked like a cryptocurrency investment page.

Also, the insertion of the abbreviation “fx” to the mark in the constitution of the domain name can be seen as an intention to mislead the internet users, as this abbreviation is common in the field of trading to identify “Foreign Exchange Market” or “Forex”, and is obviously related to the Complainant’s main activities.

Accordingly, the Panel accepts that the disputed domain name is being used for unlawful purposes. The fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith.

All the points above lead to the conclusion by this Panel that the Respondent was fully aware of the Complainant and that the Respondent registered and used the disputed domain name in bad faith.

The Panel finds that the Complainant has also proved the third element 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 name, <natixisfx.com>, be transferred to the Complainant.

/Alvaro Loureiro Oliveira/
Alvaro Loureiro Oliveira
Sole Panelist
Date: March 25, 2022