

ADMINISTRATIVE PANEL DECISION

Natixis v. Registration Private, Domains By Proxy, LLC DomainsByProxy.com / Free Sia

Case No. D2022-1677

1. The Parties

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

The Respondent is Registration Private, Domains By Proxy, LLC DomainsByProxy.com, United States of America / Free Sia, Benin.

2. The Domain Name and Registrar

The disputed domain name <natixisgrp.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 May 9, 2022. On May 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 May 11, 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 May 12, 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 May 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2022.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on June 16, 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 a French multinational financial services firm. It has French, international and European Union trademark registrations for the mark NATIXIS, including French trademark registration N°3416315, filed and registered on March 14, 2006; European Union Trademark registration N°5129176, filed on June 12, 2006 and registered on June 21, 2007; and International Trademark registration N°1071008, registered on April 21, 2010, which includes a device element.

The Complainant also operates websites, including at “www.natixis.com” and “www.natixis.fr”.

The disputed domain name was registered on May 3, 2022, and at the time of the filing the Complaint, resolved to a look-alike website offering banking services purporting to emanate from the Complainant. The disputed domain name is currently inactive.

5. Parties’ Contentions

A. Complainant

The Complainant points out that the disputed domain name identically reproduces its NATIXIS trademark and that in its entirety. Where a trademark is recognizable in a disputed domain name, as is the case here, the latter will normally be considered confusingly similar, according to the Complainant. The second part of the disputed domain name “grp” represents the descriptive term “group” and its incorporation into the disputed domain name will lead the public to believe that the linked website belongs to the “NATIXIS Group”, an expression the Complainant says it widely uses. Given the distinctive nature of its trademark, the public would think the website to which the disputed domain name resolves belongs to the Complainant. The Complainant also says that the generic Top-Level Domain (“gTLD”) should be disregarded in any case, for the sake of determining confusing similarity. A likelihood of confusion on the part of Internet users is the result.

According to a search the Complainant conducted on an online database, the Respondent, Free Sia, does not own a trademark including “NATIXIS”. The Complainant has neither authorized nor licensed the use of its NATIXIS trademark, and therefore the Respondent has no rights or legitimate interests in the disputed domain name, the Complainant says. A Google search for “Free Sia Natixisgrp” yielded no results, according to the Complainant, so the Respondent is not commonly known as such and does not engage in any legitimate noncommercial use nor offers *bona fide* goods or services by way of the disputed domain name or the mark NATIXIS. The disputed domain name resolves to a look-alike website where banking services are offered, and the logo of the Complainant is reproduced. This practice reflects the absence of rights or legitimate interests and suggests a deliberate attempt by the Respondent to mislead Internet users in a fraudulent manner. The composition of the disputed domain name suggests sponsorship or endorsement by the Complainant and effectively impersonates the latter, or so it says. The Respondent simply seeks to exploit the fact that Internet users would expect to access a site owned by the Complainant.

The Complainant maintains that the trademark NATIXIS is well known in France and around the world. The Complainant has more than 16,000 employees in 36 countries, and is the corporate, investment and financial services arm of the BPCE Group, France’s second-largest banking institution. The Complainant is the beneficiary of multiple awards and citations in the banking world, which according to the latter indicates the status of NATIXIS as a well-known mark. The Complainant also points out that the Respondent employed a privacy service in order to hide its identity and to avoid being notified of a UDRP proceeding,

which warrants an inference of bad faith, as recognized in multiple UDRP decisions. The Respondent also used a fake address, according to the Complainant, again evidencing bad faith registration.

The Complainant also contends that the disputed domain name was registered for fraudulent purposes, and links to a website that mirrors a bank website purporting to offer loans. The website prominently reproduces the Complainant's company logo, and thus it is clear that the Respondent was aware of the Complainant and its legitimate website. According to the Complainant it is plain that the disputed domain name and the related website is used for the purpose of "phishing" financial information in an attempt to defraud the Complainant's clients. This is accepted as clear evidence of bad faith use, and the website to which the disputed domain name resolves invites Internet users to fill in and submit "Credit Application Forms", for the purpose of obtaining confidential information. According to the Complainant, these activities constitute a disruption of its business and also establishes bad faith registration and use pursuant to paragraph 4(b)(iii) of the Policy.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name is not identical to the NATIXIS trademark of the Complainant, but that mark is plainly recognizable in the disputed domain name. The addition of "grp", an abbreviation of the term "group" does nothing to stand in the way of a finding of confusing similarity.

Therefore the Panel holds that the disputed domain name is confusingly similar to the NATIXIS trademark of the Complainant.

B. Rights or Legitimate Interests

There is nothing to indicate that the Respondent has used the disputed domain name or the mark NATIXIS in a legitimate manner. The Complainant has not authorized the use of its trademark in the disputed domain name or in any other manner by the Respondent. The website to which the disputed domain name resolved mimics a genuine website of the Complainant and attempted dishonestly to obtain private information from Internet users who came across the site. This is a fraudulent activity and thus not one that is apt to vest rights or result in the recognition of legitimate interests on the part of the Respondent. The latter did not avail itself of the opportunity to respond to the Complainant's contentions or argue for the recognition of rights or interests, and in any case attempted to disguise its identity both by use of a privacy shield and the supply of false address details.

Therefore the Panel holds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

As indicated above, the disputed domain name resolved to a look-alike website that incorporated the Complainant's logo and purported to offer banking services. In reality it is a phishing site and therefore fraudulent in nature. It is indisputable in the light of the composition of the disputed domain name and the nature of the website to which it resolved, that the disputed domain name was registered and used in bad faith. In any case the NATIXIS trademark is highly distinctive, registered in many jurisdictions, and had at the time of registration, a long established and very extensive reputation in relation to banking and finance. The Respondent must inevitably have been aware of the Complainant's rights and deliberately set out to

profit from the suggestion inherent in the disputed domain name, that it resolves to a website that belongs to the “Natixis Group”.

Finally, the Panel finds that the fact that the disputed domain name is currently inactive further corroborates a finding of bad faith.

Therefore the Panel holds that the disputed domain name was registered and used 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 <natixisgrp.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: June 30, 2022