

ADMINISTRATIVE PANEL DECISION

Natixis v. Privacy Protect, LLC (PrivacyProtect.org) / Yvan DELUCACCI
Case No. D2022-1883

1. The Parties

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

The Respondent is Privacy Protect, LLC (PrivacyProtect.org), United States of America / Yvan DELUCACCI, Italy.

2. The Domain Name and Registrar

The disputed domain name <natixi.online> is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 25, 2022. On May 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 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 27, 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 31, 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 June 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 22, 2022.

The Center appointed Rodrigo Velasco Santelices as the sole panelist in this matter on June 27, 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 (a French multinational financial services company) owns several French, and International trademarks, registered since 2006 and onwards, composed of the term “natixis”, such as: French Trademark registration NATIXIS n°3416315, registered on March 14, 2006, and European Community Trademark registration NATIXIS n°5129176, registered on June 21, 2007.

The disputed domain name was registered on May 18, 2022. At the time of the submission of the Complaint, the disputed domain name resolved to a parking page of the Registrar. Currently, it does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant is a well-known financial services firm specialized in asset & wealth management, corporate & investment banking, insurance, and payments. The Complainant is part of the Groupe BPCE. Groupe BPCE is the second largest banking group in France.

The Complainant owns several French, European Union, and International prior rights trademarks, registered since 2006, composed of the term “NATIXIS”. The Complainant also owns the following domain names redirecting to NATIXIS official website “www.natixis.groupebpce.com”:

<natixis.com> registered on February 3, 2005, and

<natixis.fr> registered on October 20, 2006.

The Complainant widely uses NATIXIS trademarks in connection with banking and financial services. The Complainant's reputed services proposed under the trademarks NATIXIS are well-known in France, the European Union, and internationally.

The disputed domain name is nearly identical and highly similar to the Complainant's trademark NATIXIS. Thus, the Complainant considers that this is a classic case of typosquatting because the disputed domain name is confusingly similar to the Complainant's trademark as it contains nearly identical letters, and it has no meaning. Indeed, there is a high visual similarity between the disputed domain name and the Complainant's trademark NATIXIS. The element “natixi” in the disputed domain name and the Complainant's trademark NATIXIS have six identical letters placed in the same order and at the same rank.

The fact that the disputed domain name does not include the remainder of the Complainant's mark, being the letter “s”, does not prevent it from being found confusingly similar to the Complainant's mark. As explained at section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

It is the well-established view of UDRP panels that the addition of a generic Top-Level Domain (“gTLD”), in this case, “online”, to a disputed domain name does not prevent the disputed domain name from being confusingly similar to a Complainant's trademark (see [WIPO Overview 3.0](#), section 1.11.1, and cases cited thereunder).

In a similar case involving the Complainant with regard to the domain name <natixi.tokyo>, the Panel noted

that “the disputed domain name <natixi.tokyo> incorporates the Complainant’s NATIXIS trademark almost in its entirety. It differs from the Complainant’s trademark merely by one letter: the letter “s” that was removed,” and concluded that “that the disputed domain name is confusingly similar to the Complainant’s NATIXIS trademark” (*NATIXIS v. maye kui, Personal*, WIPO Case No. [D2020-0381](#)).

It is worth pointing out that when searching for “natixi”, the Internet browser automatically suggests amending the search and discloses results for NATIXIS. Further, it is also worth pointing out that the sign NATIXIS has no meaning and is highly distinctive.

Accordingly, the disputed domain name is confusingly similar to the trademark in which the Complainant has prior trademark rights.

Further, the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant notes that the disputed domain name is not used for an active website and the Respondent has not been authorized to use the Complainant’s trademark, thus it would be difficult to imagine any actual use of the disputed domain name that would not be aimed to free ride on the reputation of the Complainant and its trademark.

Lastly, the Complainant claims that the Respondent registered and is using the disputed domain name in bad faith, pointing to the widely known reputation established behind the Complainant’s trademark and the Respondent’s clear intent to target the Complainant by registering a typographical variation of the trademark, merely omitting the “s”. Furthermore, the Complainant points to previously established precedent that the passive holding of a domain name does not prevent a finding of bad faith in certain circumstances, which the Complainant argues are met here.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel considers that all the information provided by the Complainant attests that the disputed domain name is indeed confusingly similar to the Complainant’s trademark NATIXIS.

Further, the Panel agrees with the Complainant’s contentions that the suppression of the letter “s” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark, and the addition of gTLDs (in this case “online”) can be disregarded when comparing the similarities between a domain name and a trademark. See sections 1.9 and 1.11 of the [WIPO Overview 3.0](#).

Therefore, this first requirement under the Policy has been satisfied.

B. Rights or Legitimate Interests

The Respondent has not replied to the Complainant’s contentions, and the Respondent has not alleged any possible rights or legitimate interests it may have in the disputed domain name. Neither has the Respondent refuted the allegations made by the Complainant.

The Panel has not found the occurrence of any of the circumstances mentioned by paragraph 4(c) of the Policy. Quite the contrary, the Complainant has effectively demonstrated to be the owner of the registered trademark NATIXIS: registrations which are prior to the Respondent’s registration of the disputed domain name, and that it has not licensed the use or exploitation of its trademark to the Respondent. Moreover, the disputed domain name represents the prototypical example of typosquatting, omitting a single letter from the Complainant’s well-known trademark, and thus reflecting the intent of the Respondent to mislead Internet

users unaware of the slight typo, which cannot constitute fair use.

Accordingly, and considering the unrebutted *prima facie* case made out by the Complainant, the Panel considers that the Complaint has also fulfilled the second element required by the Policy.

C. Registered and Used in Bad Faith

This third element requires the Complainant to prove that the disputed domain name was registered in bad faith and was being used in bad faith.

According to paragraph 4(b) of the Policy, there are a variety of circumstances to evidence and demonstrate the bad faith of the respondent.

The Complainant trademark is well known. Thus, a simple search on the Internet would have revealed the Complainant's international presence of the trademark.

Therefore, the Panel finds the Respondent must have had knowledge of the Complainant's mark and its rights therein at the time when the Respondent registered the disputed domain name. These findings are based on: (i) the Complainant's trademark having a strong reputation and being widely known; (ii) the disputed domain name is confusingly similar to the Complainant's trademark; (iii) the above finding of the Respondent having no rights or legitimate interests in the disputed domain name.

Given the similarity of the disputed domain name with the Complainant's trademark, the Panel agrees that the Respondent's motive to register the disputed domain name can only have been to create a likelihood of confusion with the Complainant's trademark. Panels have consistently found that the mere registration of domain names that are identical or confusingly similar (particularly domain names comprising typos incorporating the mark plus a descriptive term) to a widely-known trademark by an unaffiliated entity – as is the case here – can by itself create a presumption of bad faith (see section 3.1.4 [WIPO Overview 3.0](#)).

The passive holding of the disputed domain name would not prevent a finding of bad faith when it is difficult to imagine any plausible future active use of the disputed domain name by the Respondent (see *Inter-IKEA v. Polanski*, WIPO Case No. [D2000-1614](#); *Inter-IKEA Systems B.V. v. Hoon Huh*, WIPO Case No. [D2000-0438](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

This is especially so since the disputed domain name incorporated the Complainant's company name and trademark NATIXIS nearly entirely, plus the addition of the gTLD "online". As stated above, noting the typo squatting nature of the disputed domain name, Internet users might directly link it to the Complainant's trademark without being aware of the omitted "s".

Additional factors supporting a finding of bad faith include the Respondent's failure to submit a Response and the Respondent's use of a privacy service to mask its details.

Consequently, for all these reasons, the Panel finds that the Complainant has met the third element required by paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, and in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <natixi.online>, be transferred to the Complainant.

/Rodrigo Velasco Santelices/

Rodrigo Velasco Santelices

Sole Panelist

Date: July 8, 2022