

ADMINISTRATIVE PANEL DECISION

Confédération Nationale du Crédit Mutuel v. Host Master, 1337 Services LLC
Case No. D2022-4876

1. The Parties

The Complainant is Confédération Nationale du Crédit Mutuel, France, represented by MEYER & Partenaires, France.

The Respondent is Host Master, 1337 Services LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <crediitmutuel-fr.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2022. On December 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 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 January 6, 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 amended Complaints on January 11, 2023, and January 12, 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 January 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 7, 2023.

The Center appointed Colin T. O’Brien as the sole panelist in this matter on February 22, 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.

4. Factual Background

The Complainant is the political and central body for the banking group Crédit Mutuel. Crédit Mutuel is the second largest French banking and insurance services group, which provides its services to 12 million clients for more than a century. Crédit Mutuel is a network of 3178 offices in France, congregated in 18 regional federations. The Complainant is present in all fields of finance, the group is a major actor on the market of banking services for both individuals and businesses.

The Complainant is the registered owner of a large number of trademarks consisting of or including the wording "CREDIT MUTUEL", in France and abroad including:

- CREDIT MUTUEL, French semi-figurative trademark no. 1475940 of July 8, 1988, in classes 35 and 36 of Nice Agreement, duly renewed.
- CREDIT MUTUEL, French semi-figurative trademark no. 1646012 of November 20, 1990, in classes 16, 35, 36, 38 (Telecommunications services), and 41 of Nice Agreement, duly renewed.
- CREDIT MUTUEL, European Union trademark no. 009943135 of October 20, 2011, in classes 9, 16, 35, 36, 38, 41, 42, and 45 of Nice Agreement, duly renewed.
- CREDIT MUTUEL, semi-figurative International trademark no. 570182 of May 17, 1991, in classes 16, 35, 36, 38, and 41 of Nice Agreement, designating, *inter alia*, Benelux, Italy, and Portugal, duly renewed.

The Complainant through its computing subsidiary, "Euro Information", owns many domain names incorporating the trademark CREDIT MUTUEL including the following:

- <creditmutuel.info> registered on September 13, 2001;
- <creditmutuel.org> registered on June 3, 2002;
- <creditmutuel.fr> registered on August 10, 1995;
- <creditmutuel.com> registered on October 28, 1995; and
- <creditmutuel.net> registered on October 3, 1996.

The disputed domain name was registered on November 14, 2022. The disputed domain name resolves to an inactive page. According to the Complainant, the disputed domain name once resolved to a website reproducing the Complainant trademark CREDIT MUTUEL and offering similar login page to the Complainant's official website.

5. Parties' Contentions

A. Complainant

The disputed domain name is identical or at least confusingly similar to the trademark CREDIT MUTUEL. The trademark CREDIT MUTUEL is entirely reproduced in the radical of the disputed domain name, the only distinctions being the addition of the letter "i" in the word "credit" and the addition of the suffix "fr". The addition of a letter "i" creates a minor difference between the disputed domain name and the trademark

CREDIT MUTUEL. It is not sufficient to distinguish the trademark CREDIT MUTUEL from the disputed domain name. The suffix “fr” is merely descriptive since it corresponds to the ISO 3166-1 alpha-2 code for “France”, that may be perceived as a geographical term.

No license or authorization has been granted to the Respondent or any company or individual to make any use of or apply the trademark for registration of the disputed domain name. The Respondent is not related in any way to the Complainant’s business: it is not one of its agents and does not carry out any activity for or has any business with the Complainant. The Respondent is not currently and has never been known under the trademark CREDIT MUTUEL.

Immediately after being registered, the disputed domain name resolved to an index webpage which ultimately led to a “403 Forbidden” page. But a few days after that, the activation changed and the disputed domain name was resolving a website which reproduced the Complainant’s logo, and which was similar to the Complainant’s official website’s login page. Then the activation changed again and the disputed domain name resolved to a “403 Forbidden” page. At the time of the Complaint, the website resolves to an inactive webpage.

The use of the CREDIT MUTUEL trademark and of a copy of its official website’s login page shows that the Respondent knew about the Complainant’s rights while registering the disputed domain name. The addition of the word “fr” referring to “France” or “French” which is the country where the Complainant has a strong reputation and is well-known does not prevent of finding the Respondent’s bad faith in the registration of the disputed domain name.

The disputed domain name formerly resolved to a website which was identical to the CREDIT MUTUEL official website’s login page which also reproduced the website’s graphic charter and the Complainant’s trademark. It is impossible that any good faith use has been intended for that direction, and, on the contrary, every element in this case is converging towards the same conclusion: the disputed domain name and its related website were used to give the impression to the Internet users that they are affiliated to the Complainant’s trademark. The use of a similar login page as found in the Complainant’s official website should be considered as a phishing scheme.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the CREDIT MUTUEL marks which are globally famous. The addition of the term “fr” and the misspelling of “credit” does not prevent a finding of confusing similarity. See sections 1.8 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions Third Edition ([“WIPO Overview 3.0”](#)).

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

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name and has not been commonly known by the disputed domain name. The fact that the Respondent obtained the disputed domain name decades after the Complainant had begun using its CREDIT MUTUEL mark which is famous in France indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the disputed domain name. Moreover, the disputed domain name incorporates the Complainant's trademark in its entirety (with an extra "i" in "credit"), along with the acronym "fr", potentially conveying to unsuspecting Internet users the false belief that any website connected to the disputed domain name is associated with the Complainant, a famous French banking and insurance group. Such a risk of affiliation or association with the Complainant and its mark cannot constitute fair use.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered years after the Complainant first registered and used its CREDIT MUTUEL marks. The evidence provided by the Complainant with respect to the extent of use and global fame - especially in France - of its CREDIT MUTUEL marks combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant's widely-known CREDIT MUTUEL marks, and knew it had no rights or legitimate interests in the disputed domain name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The disputed domain name used to resolve to a website that was identical to the Credit Mutuel official website's login page, which also reproduced the website's graphic charter and Complainant's trademark. This use does not prevent a finding of bad faith.

The Panel finds that the only plausible basis for registering and using the disputed domain name is for illegitimate and bad faith purposes. In addition, in view of section 3.3 of the [WIPO Overview 3.0](#), the current inactive state of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

Accordingly, the Panel finds that the Complainant has 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 name <crediitmutuel-fr.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: March 9, 2023