

ADMINISTRATIVE PANEL DECISION

Confederation Nationale du Credit Mutuel v. Diego Christian, Leah Graham,
Marlin Atkinson, and Leah Noel

Case No. D2023-0197

1. The Parties

The Complainant is Confederation Nationale du Credit Mutuel, France, represented by MEYER & Partenaires, France.

The Respondents are Diego Christian, Honduras, Leah Graham, Wallis and Futuna Islands, Marlin Atkinson, Kenya, and Leah Noel, Ascension Island.

2. The Domain Names and Registrar

The disputed domain names, <credit-mutuel-alerte.com>, <creditmutuel-alerte.com>, <credit-mutuel-online.com>, and <creditmutuel-support.com>, are registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 16, 2023. On January 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 18 and 20, 2023, the Registrar transmitted by email to the Center its verification responses confirming that the Respondents are listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on January 23, 2023, providing the information of multiple underlying registrants and detailed contact information, and inviting the Complainant to amend the Complaint adding the Registrar-disclosed registrants contact details and to provide relevant arguments or evidence demonstrating that all the named Respondents are, in fact, the same entity and/or that all of the disputed domain names are under common control. The Complainant filed an amendment to the Complaint on January 30, 2023, including further arguments for consolidation.

The Center verified that the Complaint together with the amendment to the 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 Respondents of the Complaint, and the proceedings commenced on January 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on February 23, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on February 28, 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 a French association founded in 1901, the political and central body for the banking group Credit Mutuel, which is a French banking and insurance group.

The Complainant operates a web portal available at "www.creditmutuel.com" (registered on October 28, 1995) and "www.creditmutuel.fr" (registered on August 9, 1995) dedicated to its services, including online banking services.

The Complainant is the owner, amongst dozens of others, of the French trademark registration No. 1475940 for the semi figurative mark CREDIT MUTUEL, registered on July 8, 1988, subsequently renewed, in classes 35 and 36, and International trademark No. 570182 for the semi figurative mark CREDIT MUTUEL, registered on May 17, 1991, subsequently renewed, in classes 16, 35, 36, 38 and 41.

The disputed domain names are the following:

Disputed Domain Name	Registration Date	Present Use
<credit-mutuel-alerte.com>	December 9, 2022	"Deceptive site ahead" warning displayed by browsers
<creditmutuel-alerte.com>	December 6, 2022	"Deceptive site ahead" warning displayed by browsers
<credit-mutuel-online.com>	December 5, 2022	"Deceptive site ahead" warning displayed by browsers
<creditmutuel-support.com>	December 5, 2022	"Deceptive site ahead" warning displayed by browsers

According to the evidence provided by the Complainant, when forcing the browser to show the webpages, the disputed domain names redirect to either inactive webpages or webpages displaying the message "Account Suspended".

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has a network of 3,178 offices in France, being present in all fields of finance, and that it is a major actor in the market of banking services for both individuals and businesses. The Complainant further asserts to have been one of the first French banking groups to offer online banking services to its clients.

Furthermore, the Complainant recalls that the CREDIT MUTUEL trademark has been recognized as well known in past UDRP cases, such as in *Confederation Nationale du Credit Mutuel v. Philippe Marie*, WIPO Case No. [D2010-1513](#).

Also according to the Complainant, the disputed domain names are under common control given that all of the disputed domain names: i) have been registered in a very short period of time (from December 5, 2022, to December 9, 2022); ii) share a similar naming pattern, reproducing the Complainant's well-known CREDIT MUTUEL trademark with the addition of a generic word and one or two hyphens; iii) share a common Registrar; iv) have missing and wrong information in the respective postal addresses, the country codes not corresponding to the states/provinces in which the Respondents pretend to be located thus indicating that the Respondents have used fake identities in the registration details pertaining to the disputed domain names; and v) have had the respective websites blocked by the browser due to potential fraudulent activities.

Under the Complainant's view, the disputed domain names all incorporate the Complainant's well-known CREDIT MUTUEL trademark with the addition of the terms "alerte", "online" or "support" and hyphens, what could mislead Internet users into thinking that the corresponding websites would relate to the Complainant or its services.

Regarding the absence of the Respondents' rights or legitimate interests, the Complainant argues that:

- i) no license or authorization has been granted to the Respondents or any company or individual to make any use or apply for registration of the disputed domain names;
- ii) the Respondents are not related in any way to the Complainant's business, not being one of its agents and not carrying out any activity for or having any business with;
- iii) the Respondents are not currently and have never been known under the disputed domain names; and
- iv) the Respondents have not used, and are not using or preparing to use, the disputed domain names in connection with a *bona fide* offering of goods or services; rather having the disputed domain names been associated with fraudulent websites, thus intentionally creating false association and confusion and attempting to lure the Complainant's customers into providing personal information to the Respondents under the impression they were providing this information to the Complainant, when in fact, they were not.

As to the registration and use of the disputed domain names in bad faith, the Complainant asserts that:

- i) the Respondents could not have ignored the well-known character and the reputation of the trademark CREDIT MUTUEL in the field of banking and financial services (*Confédération Nationale du Crédit Mutuel v. Mariano Jackline and Alex Leparox*, WIPO Case No. [D2013-2134](#)) when registering the disputed domain names;
- ii) the Respondents' indication of inaccurate (the country codes do not match with the claimed states/provinces mentioned for each registrant) and incomplete contact information were deliberately made with the purpose of avoiding being identified and contacted, what are further indicatives of the Respondents' bad faith; and
- iii) the use being made of the disputed domain names in connection with malevolent websites cannot be considered a *bona fide* use of the disputed domain names, having the Respondents registered and are using the disputed domain names to perpetrate a fraud, illegitimate scheme, or scam.

B. Respondents

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

Before turning to these questions, however, the Panel needs to address the issue of the consolidation of the multiple Respondents.

A. Consolidation of Multiple Respondents

The Complainant requests that this Panel accept the multiple Respondents in a single proceeding in view of the facts enumerated at the section 5.A above.

The Respondents have not objected to the common control claim.

In addition to that, section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") establishes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario".

All of the aforementioned criteria are present in this case and therefore this Panel accepts such request considering that it would be more procedurally efficient to have the four disputed domain names dealt with in the same proceeding given that: i) all of the disputed domain names share a common naming pattern, reproducing the Complainant's well-known CREDIT MUTUEL trademark with the addition of dictionary terms and hyphens; ii) the disputed domain names were registered within a window of four days (from December 5, 2022 to December 9, 2022); iii) the disputed domain names resolve to the webpages displaying warning messages for deceptive sites ahead; iv) all of the disputed domain names were registered with the same Registrar; v) the postal addresses of all of the Respondents appear to be inaccurate; and vi) all of the Respondents use the same email service provider.

In view of the evidence submitted, this Panel is satisfied on balance that the disputed domain names are indeed subject to common control, and that consolidation would be fair and equitable to all Parties.

B. Identical or Confusingly Similar

The Complainant has established rights over the CREDIT MUTUEL trademark duly registered in various jurisdictions.

The Panel finds that all of the disputed domain names reproduce the Complainant's CREDIT MUTUEL trademark in its entirety. The addition of the terms "alerte", "online" or "support" and hyphens does not prevent a finding of confusing similarity under the Policy which, as recognized by past UDRP panels, involves a "side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name" ([WIPO Overview 3.0](#), section 1.7).

For the reasons above, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate the Respondents' rights or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondents' use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondents are making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondents, in not responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondents.

In that sense, the Panel notes that the Complainant has made out a *prima facie* case that the Respondents lack rights or legitimate interests in the disputed domain names, indeed stating that no license or authorization has been granted to the Respondents or any company or individual to make any use or apply for registration of the disputed domain names; neither are the Respondents related in any way to the Complainant's business, nor to one of its agents.

Also, the lack of evidence as to whether the Respondents are commonly known by the disputed domain names or the absence of any trademarks registered by the Respondents corresponding to the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.

Moreover, according to the evidence submitted by the Complainant, the use made of the disputed domain names in connection with potentially fraudulent websites clearly does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondents do not have rights or legitimate interests with respect to the disputed domain names.

D. Registered and Used in Bad Faith

In this case, both registration and use of the disputed domain names in bad faith can be found pursuant to Policy, in view that the Respondents' intention to register the disputed domain names was most likely to take advantage of the Complainant and its well-known trademark unduly reproduced in the disputed domain names. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names 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 [WIPO Overview 3.0](#), section 3.1.4.

Each of the disputed domain names resolves to a website displaying a warning message of “Deceptive site ahead”. When forcing the browser to show the websites, the disputed domain names redirect to either inactive websites or websites displaying the message “Account Suspended”. Considering the circumstances of this case, including the fame of the Complainant’s trademark and the implausibility of any good faith use the disputed domain names may be put, the Panel finds that the non-use of the disputed domain names does not prevent a finding of bad faith under the doctrine of “passive holding”. See [WIPO Overview 3.0](#), section 3.3.

Other indications of the Respondents’ bad faith lie in the indication of what appear to be false contact information, the Center has been unable to deliver Written Notice to the Respondents.

For the reasons above, the Panel finds that the Respondents registered and are using the disputed domain names in bad faith.

The third element of the Policy has therefore been met.

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 names, <credit-mutuel-alerte.com>, <creditmutuel-alerte.com>, <credit-mutuel-online.com>, and <creditmutuel-support.com>, be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: March 13, 2023