

## **ADMINISTRATIVE PANEL DECISION**

Banco Bice v. Junior Hessou, Hessou Junior  
Case No. D2023-2107

### **1. The Parties**

The Complainant is Banco Bice, Chile, represented by Sargent & Krahn Procuradores Internacionales de Patentes y Marcas Ltda., Chile.

The Respondent is Junior Hessou, Hessou Junior, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <bice-bnk.com> (the “Domain Name”) is registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 11, 2023. On May 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 16, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (2761453680\_DOMAIN\_COM-VRSN) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 23, 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 an amendment to the Complaint on May 25, 2023.

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 Respondent of the Complaint, and the proceedings commenced on June 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on July 10, 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 Chilean bank founded in 1979. In addition to providing traditional banking services, including financing and deposit-taking, the Complainant specializes in foreign trade, the financing of investment projects and advising in the field of corporate investments. It also offers mortgage financing and high-quality personal banking. It offers its services to international clients.

The Complainant is the proprietor of a number of registered trademarks in respect of both BANCO BICE and BICE including Chile trademark number 804824 BANCO BICE registered on September 15, 2008, European Union trademark number 018337596 BANCO BICE registered on April 1, 2021 and European Union trademark number 018454181 BICE registered on May 20, 2022.

The Domain Name was registered on February 27, 2023. It resolves to a website with the header “International Bank of Credit and Savings” inviting users to “Write [sic] to us at +33 7 57 75 60 58” apparently referring to a French telephone number. The header also features a device comprising the prominent initials “BICE”.

The home page claims that BICE: International Bank of Credit and Savings is an online bank and has various references to banking and financial services. It invites users to log in to their account to open an account or to apply for credit, amongst other services. The foot of the home page includes as the address for the bank:

- “60 rue Lenotre
- Rennes, 35200
- Brittany
- France”

That address does not appear to exist. The Contact Us page gives the address:

- “60 rue Lenotre
- Villeurbanne
- Rhone-Alpes 69100
- France”

That address does not appear to exist.

The footer of the home page refers to “Banque de Financement de credit et d’epargne”. There appears to be no record of a bank by that name in France and a search using Google finds no trace of it.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its BICE and BANCO BICE trademarks (the “Marks”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered or is using the Domain Name in bad faith within the meaning of the Policy.

##### **B. Respondent**

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

## 6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 of the Domain Name; and
- (iii) the Domain Name has been registered or is being used in bad faith.

### A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Marks, both by virtue of its trademark registrations and as a result of the substantial goodwill and reputation acquired through its widespread use of the Mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the BICE mark together with the term “bnk”, a contraction of the English word “bank”. In the bank’s view, the addition of this word, alluding as it does to the word BANCO, does not prevent a finding of confusing similarity between the Domain Name and the Marks. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

### B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use the Domain Name. The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services, but rather has used it for a website featuring the BICE mark, soliciting users to open an account or to input existing log in details. There is substantial evidence that the purported operator of the website does not exist as a genuine bank. The contact addresses stated on the website are inconsistent and do not appear to exist. The Panel is satisfied that the Respondent has set up the website with a view to confusing Internet users into believing that the Respondent’s Website was operated by or authorised by the Complainant and very likely to phish for personal information for fraudulent purposes. Such activity cannot possibly give rise to rights or legitimate interests.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

### C. Registered and Used in Bad Faith

In light of the use of the Complainant’s BICE mark and the nature of the Respondent’s website, the Panel is in no doubt that the Respondent had the Complainant and its rights in the BICE mark in mind when it registered the Domain Name. The Panel considers that the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the BICE mark, very likely with a view to phishing for personal information or other fraudulent purposes, and no doubt for commercial gain. The Panel considers that this amounts to paradigm bad faith registration and use.

## **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 Domain Name <bice-bnk.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: July 24, 2023