

ADMINISTRATIVE PANEL DECISION

Crédit Industriel et Commercial S.A. v. arbouche hind
Case No. D2023-2390

1. The Parties

The Complainant is Crédit Industriel et Commercial S.A., France, represented by MEYER & Partenaires, France.

The Respondent is arbouche hind, France.

2. The Domain Names and Registrar

The disputed domain names <www-cic.com> and <1fr-cic.com> (the “Disputed Domain Names”) are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 2, 2023. On June 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On June 2, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 7, 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 amended Complaint on June 8, 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 June 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 29, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 5, 2023.

The Center appointed Isabelle Leroux 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 Credit Industriel et Commercial S.A., the oldest French deposit bank founded in 1859 and commonly known under its abbreviated form "CIC".

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- French trademark No. 1358524 C.I.C. registered on June 10, 1986, for banking activities and renewed in class 36;
- European Union Trade Mark No. 00589141 CIC registered on March 5, 2008, for banking activities in class 36 and classes 9 and 16;
- United States trademark No. 1900089 CIC BANQUES registered on June 13, 1995 for banking activities and renewed in class 36;

Hereafter the "CIC Trademarks" or "Trademark".

The Complainant also owns several domain names containing the sign CIC, including the following: <cic.fr> and <cic.eu> registered on May 27, 1999, and March 6, 2006.

The Disputed Domain Names <1fr-cic.com> and <www-cic.com> were both registered on March 21, 2023, and resolve to an error page.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

- a) The Disputed Domain Names are identical or at least confusingly similar to the Complainant's Trademarks since they fully incorporate the well-known CIC Trademarks in their entirety.
- b) The Respondent has no rights nor legitimate interests in the Disputed Domain Names since:
 - The Complainant has never granted any license or authorization to use its CIC Trademarks to the Respondent;
 - The Respondent is not commonly known by any of the Disputed Domain Names;
 - There is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Names in connection with a *bona fide* offering of goods and services.
- c) The Respondent registered and used the Disputed Domain Names in bad faith given the following factors:
 - The Complainant's CIC Trademarks benefit from a long-lasting worldwide reputation;
 - The Respondent could not be unaware of the existence of the Complainant's rights;
 - The Respondent is engaged in a phishing attempt with the Disputed Domain Name <www-cic.com>, which first resolved to a page reproducing the Complainant's CIC trademark and official website;

- The Disputed Domain Names might mislead Internet users looking for CIC products; the Internet users will then land on pages with unexpected content instead of a website related to the Complainant and they may think this is due to the Complainant.

Finally, the Complainant requests that the Disputed Domain Names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the CIC Trademarks.

Then, the Panel notices that the Disputed Domain Names are composed of the identical reproduction of the well-known CIC Trademarks in its entirety, to which has been added the terms:

- (i) "1fr" separated by a hyphen for the first Disputed Domain Name;
- (ii) "www" separated by a hyphen for the second Disputed Domain Name; and
- (iii) the generic Top-Level Domain ("gTLD") ".com".

The addition of the terms "1fr" and "www" does not prevent a finding of confusing similarity since the CIC Trademarks are fully recognizable.

Furthermore, the gTLD ".com" is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant's CIC Trademarks. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a)(ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Names, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- The Respondent is not known under the Disputed Domain Names, nor does it have any trademark rights on the term "cic";
- no license or authorization has been granted by the Complainant to the Respondent; and
- the Respondent has not used the Disputed Domain Names for a *bona fide* offering goods and services, in fact one of the Disputed Domain Names was previously used for a possible phishing website,

- and the Disputed Domain Names resolves to error pages.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Moreover, the Panel notes that the nature of the Disputed Domain Names, combining the entirety of the Complainant's trademark, carries a risk of implied affiliation (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.5.1).

The Respondent has not come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

Given these circumstances, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the Disputed Domain Names were registered and are being used by the Respondent in bad faith.

The Complainant's CIC Trademarks have been recognized as well-known by numerous previous UDRP panels for many years. See in particular: *Credit Industriel et Commercial S.A., Banque Fédérative du Crédit Mutuel v. Headwaters MB*, WIPO Case No. [D2008-1892](#) and *Credit Industriel et Commercial S.A. v. Jeongyong Cho*, WIPO Case No. [D2013-1263](#), *Credit Industriel et Commercial v. Mao Adnri Credit Industriel et Commercial S.A., ("CIC") v. Mao Adnri*, WIPO Case No. [D2013-2143](#). The Panel finds that the registrations were therefore made in bad faith.

As to the use of the Disputed Domain Names in bad faith, the Panel notes that the Disputed Domain Names resolve to an error page. Prior UDRP panels have recognized that passive holding would not prevent a finding of bad faith. See in particular *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). Accordingly, the Panel considers that the Respondent could not plausibly ignore the existence of the Complainant's CIC Trademarks at the time the Disputed Domain Names were registered, all the more since according to the information disclosed by the Registrar, the Respondent is based in France.

And the Panel also considers that the Respondent is engaged in a phishing attempt with the Disputed Domain Name <www-cic.com>, which first resolved to a page reproducing the Complainant's trademarks and requiring entry of a user name and password. The Panel agrees with the Complainant's opinion that the Disputed Domain Names might mislead Internet users looking for CIC products; the Internet users will then land on pages with unexpected content instead of a website related to the Complainant and they may think this is due to the Complainant.

The Respondent's failure to reply to the Complainant's contentions give no other basis to the Panel to believe that the Disputed Domain Names might conceivably be put to good faith use.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated use of the Disputed Domain Names by the Respondent that would be fair.

Consequently, the Panel finds that the Disputed Domain Names were registered and used in bad faith, so that the third and final element of paragraph 4(a)(iii) of Policy is 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 <www-cic.com> and <1fr-cic.com> be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: July 24, 2023