

ADMINISTRATIVE PANEL DECISION

Crédit Industriel et Commercial S.A. v. salim rafik, lhcfllakes@outlook.com
Case No. D2023-2580

1. The Parties

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

The Respondent is salim rafik, lhcfllakes@outlook.com, France.

2. The Domain Name and Registrar

The disputed domain name <login-cic.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 June 15, 2023. On June 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 15, 2023, 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 (Contact Privacy Inc. Customer 0166886122) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 16, 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 20, 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 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 19, 2023.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on August 2, 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, CREDIT INDUSTRIEL ET COMMERCIAL (CIC), is one of the oldest deposit banks in France.

It was set up in 1859 by an imperial decree signed by Napoleon III. The company was nationalized in 1982 and re-privatized in 1997. CIC is currently a part of one of the main European banking groups, "Crédit Mutuel Alliance Fédérale".

CIC has itself currently more than 5,3 million clients, among them almost 946,000 professionals and businesses. It has more than 1,800 agencies in France and 37 abroad.

Its website at "www.cic.fr" is used for its online activity and provides to its clients a secured interface with an online access to their bank accounts.

The Complainant is the registered owner of a large number of trademarks consisting or including the sign "CIC" in France and abroad, *inter alia*:

- CIC French trademark No. 1358524, registered on June 10, 1986;
- CIC European Union Trade Mark No. 005891411, registered on March 5, 2008;
- CIC European Union word and device Trade Mark No. 11355328, registered on March 26, 2013.

The Complainant is using its trademarks as domain names to promote its activities, especially the domain names <cic.fr>, <cic.eu>.

The disputed domain name <login-cic.com> was registered on March 29, 2023, using a privacy shield service.

The Registrar disclosed the registrant's contact details.

The Registrant is a natural person designated as Salim Rafik, domiciled in France.

The Complainant suspects that the contact details are fake.

The disputed domain name <login-cic.com> resolved to a page displaying a security warning page, informing the users that the website may trick them into downloading malicious software or entering personal information.

When going through the security warning page, the disputed domain name <login-cic.com> redirects to a webpage displaying a message informing the users that "a new website is in the work".

5. Parties' Contentions

A. Complainant

The Complainant explains that it uses its trademarks in commerce since the date of their registrations and it relies on previous UDRP decisions that have recognized the well-known character of the CIC trademarks (see, e.g., *Credit Industriel et Commercial S.A., Banque Fédérative du Credit Mutuel v. Headwaters MB*, WIPO Case No. [D2008-1892](#) regarding the domain name <ciccms.com>; *Credit Industriel et Commercial S.A v. Jeongyong Cho*, WIPO Case No. [D2013-1263](#) regarding the domain name

<cicstart.com>; and *Credit Industriel et Commercial v. Mao Adnri*, WIPO Case No. [D2013-2143](#) regarding the domain name <cic-particuliers.com>).

The Complainant further asserts that the CIC trademark is well-known in the sense of Article 6 bis of the Paris Union Convention and that its trademark rights are prior to the disputed domain name.

It contends that the CIC trademark is identically reproduced and recognizable in the disputed domain name.

The Complainant claims that the disputed domain name <login-cic.com> is highly similar to the CIC trademark.

The only difference between the disputed domain name and the CIC trademark is the addition of the word “login”.

This word can be understood by the users as a way to access their personal account.

This word should be considered as merely descriptive and cannot prevent a finding of confusing similarity.

Therefore, the mere addition of the word “login” cannot prevent finding of confusion similarity of the disputed domain name <login-cic.com> to the CIC trademark in which the Complainant has rights.

Absence of legitimate rights or interest

No license or authorization has been granted to the Respondent or to any company or individual to make any use or apply 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 it.

The Respondent is not currently and has never been known under the wordings “LOGIN CIC” or “CIC”.

Moreover, the disputed domain name is not used in *bona fide* offering of good and services. Indeed, the disputed domain name currently redirects to a page displaying a security warning page, informing the users that the website may trick them into downloading malicious software or entering personal information.

This website is detrimental to the Complainant’s reputation.

The use of the disputed domain name is, therefore, fraudulent.

It is neither a *bona fide* offering of goods or services pursuant to Policy Paragraph 4(c)(i) nor a legitimate noncommercial or faire use pursuant to Policy Paragraph 4(c)(iii).

Considering these elements, the Complainant contends that the Respondent has no right and no legitimate interest in the disputed domain name <login-cic.com>.

Bad faith registration

The Complainant has previously demonstrated the strong reputation and the well-known character of its trademark CIC at least in France, where the Complainant has the substantial part of its business and a specific web portal “www.cic.fr”.

Indeed, most Google results on the first page for “LOGIN CIC” refer to the Complainant.

The addition of the word “login” is another evidence that the Respondent knew about the Complainant’s trademark CIC.

Indeed, the Respondent added this word only to confuse the users into thinking that they would access to a webpage on which they can enter their credential to access to their account at the CIC.

Additionally, the Complainant claims that the Respondent used a Whois proxy service, with the purpose of not being identified or contacted.

Taking into account the banking activities of the Complainant, this clearly highlights the bad faith registration of the disputed domain name <login-cic.com> by the Respondent.

Considering the above it is more than clear that the disputed domain name <login-cic.com> has been registered in bad faith.

Bad faith use

The disputed domain name is currently redirecting to a security warning page, informing the user that the website is deceptive and may trick users into downloading malicious software or entering personal information [Annex F1]. This clearly highlights the bad faith use of the disputed domain name registered.

The Complainant underlines that email servers have been activated for the disputed domain name.

The visible non-use of the disputed domain name must be considered as bad faith use as “passive holding”.

As stated in previous cases and in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) section 3.3, there is a consensus view about “passive holding”:

“From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.”

Combined to the following supplemental circumstances, the Complainant claims that the passive use of the disputed domain name <login-cic.com> should be considered as bad faith use:

- The disputed domain name incorporates a reproduction of the Complainant’s well-known trademark;
- According to this similarity and to this reputation, it is very implausible that the Respondent may use the disputed domain name in good faith given that the Complainant never gave any authorization to anyone to register the disputed domain name.
- The Respondent’s identity is private;
- The disputed domain name has been registered and the activation has not changed for 77 days except for the activation of a security warning page.
- The registration of the disputed domain name is clearly bad faith registration as demonstrated above;
- The disputed domain name currently redirects to a security warning page.

The Complainant contends that, considering all these circumstances, it is implausible that the Respondent will ever make a good faith use of the disputed domain name.

Finally, the disputed domain name's MX servers are activated which means that the disputed domain name can be used as email address which would end with "@login-cic.com", including for fraudulent purpose.

It is hard to imagine in which legitimate way such email address would be used.

On the contrary, the activation of the MX servers cannot be seen as good faith use as they allow the Respondent to silently use the disputed domain name.

This visible non-use can lead to fraudulent activities such as phishing or scamming schemes.

Combined to supplemental circumstances as Complainant's well-known trademark and bad faith registration of the disputed domain name, as demonstrated above, it is obvious that the disputed domain name <login-cic.com> was registered and is being used in bad faith.

In conclusion, the Complainant claims that the Respondent is undoubtedly not making any good faith use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

To prevail in the proceedings under the Policy, the Complainant must show that the three requirements set forth in paragraph 4(a) of the Policy are met. Those requirements are:

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

Likewise, under paragraph 4(c) of the Policy, the Respondent can demonstrate its rights and legitimate interests in the disputed domain name in its response to the Complaint by demonstrating, among others, the circumstances mentioned under this paragraph of the Policy.

A. Identical or Confusingly Similar

The Complainant has clearly established its registered prior rights in the CIC trademark.

The Panel also recognizes that the CIC trademark is a well-known trademark.

The disputed domain name <login-cic.com> is composed of the well-known CIC trademark, to which the term "login" is added.

The CIC trademark is clearly recognizable in the disputed domain name and the addition of the term "login" does not prevent a finding of confusing similarity.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark. The condition of paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

As set forth by paragraph 4(c) of the Policy, any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to the Respondent of the dispute, its use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent has not been licensed or authorized to use the CIC trademark or to register the disputed domain name.

The Respondent used a privacy shield service to register the disputed domain name and then used it to activate a MX server that enables the Respondent to create email addresses impersonating the Complainant and to use these addresses to send scam emails. This is not a fair use of the disputed domain name.

There is no evidence of any *bona fide* use of the disputed domain name.

The Respondent did not respond to the Complainant in order to provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the disputed domain name.

Therefore, the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in respect to the disputed domain name, which was not rebutted by the Respondent.

Accordingly, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by an Administrative Panel to be evidence of bad faith registration and use of a domain name. It provides that:

"For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

Given the well-known character of the CIC trademark, the Respondent, who is domiciled in France, cannot have ignored the reputation of this trademark at the time it registered the disputed domain name.

The composition of the disputed domain name <login-cic.com> proves that the Respondent targeted the Complainant when registering the disputed domain name.

The Panel finds that the Complainant has submitted proof that the disputed domain name <login-cic.com> has MX servers that enable the Respondent to use it for creating and using email addresses composed with "@login-cic.com". These email addresses can be used for any purposes and notably for spamming or phishing purposes, to obtain banking and personal data from the Complainant's customers and to misuse these data.

This is to the detriment of the Complainant and of the targeted internet users.

This indicates that the Respondent aimed at creating a likelihood of confusion with the Complainant's trademarks in order to mislead Internet users, and especially the Complainant's clients, and to disrupt its activity.

Given the well-known character of the CIC trademark, the Panel cannot conceive any use that the Respondent could make of the disputed domain name that would not interfere with the Complainant's trademark rights.

Under the circumstances of the case, the Panel finds that the disputed domain name has been registered and is being used in bad faith, within the meaning of 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 <login-cic.com> be transferred to the Complainant.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: August 16, 2023