

ADMINISTRATIVE PANEL DECISION

Confederation Nationale Du Credit Mutuel v. PETERIS PURKLAVS Case No. D2023-2742

1. The Parties

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

The Respondent is PETERIS PURKLAVS, Latvia.

2. The Domain Names and Registrar

The disputed domain names <creditmutuel-fr.org> and <crmutuel-fr.com> 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 27, 2023. On June 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 27, 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, Dynadot Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 an amendment to the Complaint on July 10, 2023, and re-sent the missing Annexes to the Complaint on July 28, and July 31, 2023 respectively.

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 July 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 21, 2023.

The Center appointed Kathryn Lee as the sole panelist in this matter on August 25, 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 central body for Credit Mutuel, a French banking and insurance group. Credit Mutuel was created in 1882, and obtained legal status in 1958, and is made up of 3,178 local cooperatives and mutual banks in France, grouped into 18 regional federations. It provides services to 12 million clients. The Complainant owns a number of trademark registrations to CREDIT MUTUEL/CRÉDIT MUTUEL including French trademark registration number 1475940 registered on July 8, 1988, and European Union trademark registration number 016130403 registered on June 1, 2017. The Complainant operates the websites “www.creditmutuel.com” and “www.creditmutuel.fr” for promoting its banking services.

The Respondent appears to be an individual with an address in Latvia.

The disputed domain name <creditmutuel-fr.org> was registered on February 26, 2023, and redirected to a website of an electrical company at the time of filing of the Complaint, and currently is not linked to any content. The disputed domain name <crmutuel-fr.com> was registered on March 1, 2023, and redirects to a website of a company selling various products, such as fans, lamps, mirrors, etc.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to the CREDIT MUTUEL trademark in which the Complainant has rights. The Complainant contends that the disputed domain name <creditmutuel-fr.org> incorporates the Complainant's trademark as a whole, and that “fr” is an abbreviation for France which does not eliminate confusing similarity. As for the disputed domain name <crmutuel-fr.com>, the Complainant contends that although “credit” was abbreviated to “cr”, the CREDIT MUTUEL trademark is recognizable within the disputed domain name and that “fr” indicating France, where the Complainant's main business is located, reinforces the confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complaint contends that the disputed domain names have been linked to webpages of companies offering electrical equipment and lighting products, and that this is an attempt by the Respondent to mislead visitors and impersonate third parties in order to create an impression of rights or legitimate interests.

Finally, the Complainant contends that the disputed domain names were registered and are used in bad faith. The Complainant contends that the CREDIT MUTUEL trademark is a well-known mark and that this creates a presumption that the Respondent registered the disputed domain names in bad faith. The Complainant also contends that the use of the disputed domain names was to confuse visitors and create an impression of good faith use. Specifically, the Complainant notes that the disputed domain name <creditmutuel-fr.org> at one point redirected to a shoe company website and then to an electrical company website, and that this shows that the Respondent is in fact not affiliated with either company. The Complainant also argues that the Respondent would be able to forward the disputed domain names to a banking webpage or to a fake website of the Complainant for phishing or fraudulent purposes which is a relevant risk as the Complainant is a banking group.

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 with supporting evidence that it has rights to the trademark CREDIT MUTUEL/CRÉDIT MUTUEL. As for the disputed domain name <creditmutuel-fr.org>, it contains the CREDIT MUTUEL mark in its entirety along with a hyphen and the term "fr" which is often used as the abbreviation for "France." According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7, a domain name is considered confusingly similar to a trademark if it "incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name." In this regard, the CREDIT MUTUEL mark is incorporated in the disputed domain name in its entirety and is readily recognizable within the disputed domain name, and the additional term "fr" does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.8). As for the disputed domain name <crmutuel-fr.com>, it contains the "cr" portion of the term "credit" but in combination with the "mutuel" portion in full, the dominant feature of the CREDIT MUTUEL mark is recognizable in the disputed domain name, and given the additional term "fr" signifying France which is the main country of business for the Complainant, the disputed domain name is confusingly similar to the CREDIT MUTUEL mark of the Complainant.

For the reasons mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record, the Panel finds that the Complainant has made the required allegations to support a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain names. Once such a *prima facie* case has been established, the burden of production shifts to the Respondent to demonstrate his rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant. However, the Respondent in this case has chosen to file no Response to these assertions by the Complainant, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point.

The disputed domain names have been redirected to different websites, one for an electrical company called Bayou Electrical promoting businesses for *inter alia* energy management systems and power distribution systems, and the other one for a company called Light House of Lewes offering for sale various products, such as fans, lamps, mirrors, etc. However, none of these websites has mentioned the disputed domain names or has showed that the Respondent was commonly known by the disputed domain names. The Respondent has attempted to ride on the good will of the Complainant's CREDIT MUTUEL trademark to attract Internet users to visit the websites associated with the disputed domain names presumably for commercial gain. Such use of the disputed domain names does not constitute a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is strong and clear evidence to find bad faith in this case.

The registration of the disputed domain names, which are confusingly similar to the Complainant's famous CREDIT MUTUEL mark, by the Respondent, who is unaffiliated with the Complainant, creates a presumption

of bad faith. Further, based on the fame of the Complainant and the Complainant's mark, the Respondent probably knew of the Complainant and its mark at the time of the registration of the disputed domain names, particularly considering the additional term "fr" (representing France) in the disputed domain names which refers to main location of the Complainant's business.

The disputed domain name <creditmutuel-fr.org> previously redirected to a website of an electrical company promoting this company's business while the disputed domain name <crmutuel-fr.com> redirects to a website of a company selling various products, such as fans, lamps, mirrors, etc. Therefore, it is most likely that by using the disputed domain names, the Respondent has intentionally attempted to attract Internet users to the Respondent's websites for commercial gain by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's websites. The Respondent failed to submit any response to the Complaint.

For the reasons given above, the Panel finds that the disputed domain names were registered and are being used in bad faith. Therefore, the third element has been established.

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, <creditmutuel-fr.org> and <crmutuel-fr.com>, be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: September 8, 2023