

ADMINISTRATIVE PANEL DECISION

Credit Industriel et Commercial S.A. v. Name Redacted Case No. D2023-3577

1. The Parties

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

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <cic-nordouest-credit.com> is registered with Squarespace Domains II LLC² (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 24, 2023. On August 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 28, 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 August 31, 2023.

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

² The Complaint was filed identifying the Registrar as Google LLC. On September 28, 2023, Google LLC confirmed that the disputed domain name is registered with Squarespace Domains II LLC following a purchase agreement. Google LLC has confirmed both Registrars’ compliance with the UDRP and the implementation of the decision by either Registrar.

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").

On August 28, 2023, the Center informed the parties in French and English, that the language of the registration agreement for the disputed domain name is French. On August 31, 2023, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 28, 2023.

The Center appointed Elise Dufour as the sole panelist in this matter on October 6, 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, in abbreviated form CIC, a French deposit bank set up in 1859 by an imperial decree signed by Napoleon III. The company was nationalized in 1982 and re-privatized in 1997. The Complainant is currently a part of one of the main European banking groups, "Crédit Mutuel Alliance Fédérale".

The Complainant has currently more than 5,3 million clients, among them almost 946,000 professionals and businesses. More than 1,800 agencies are located in France and 37 abroad. The Complainant has set up and activated a website located at "www.cic.fr", through which its clients can be informed about the services offered by the group and also have online access to their bank accounts for managing them thanks to a specific secured interface.

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

- "CIC" French trademark No. 1358524 registered on November 21, 1986;
- "CIC" European Union trademark No. 005891411 registered on March 5, 2008;
- "CIC" European Union trademark No. 11355328 registered on March 26, 2013.

The Complainant and its affiliates use these trademarks as domain names to promote its activities, *inter alia*:

- <cic.fr> registered on May 27, 1999;
- <cic.eu> registered on March 6, 2006.

The disputed domain name was registered on July 7, 2023. The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is confusingly similar to the Complainant's trademarks; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

(i) The Complainant claims that the disputed domain name is confusingly similar to its well-known trademarks and domain names. Indeed, the disputed domain name incorporates entirely the Complainant's trademark CIC, the radical "cic-nordouest-credit" wholly incorporating the trademark CIC. In addition, the addition of the words "nord", "ouest" and "credit" is not enough to distinguish the disputed domain name to the trademark. For the Complainant, this addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

(ii) The Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name: the Respondent is neither related to, nor has it been licensed or permitted to use the Complainant's trademarks. The Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name as it is inactive.

(iii) Due to the strong reputation and the well-known character of its trademark CIC, the Complainant considers that the Respondent could not have ignored the existence of the Complainant's trademark at the time the disputed domain name was registered. In addition, for the Complainant, the addition of the French geographic words "nord ouest" and the generic word "credit" strongly suggest a connection with the Complainant.

As per the use of the disputed domain name, for the Complainant, the passive holding of the disputed domain name by the Respondent constitutes bad faith.

For the Complainant, the combined following circumstances implies that the passive use of the disputed domain name should be considered as bad faith use: (i) The domain name incorporates the reproduction of the Complainant's well-known trademark; (ii) The domain name aims specifically the Complainant as the added descriptive and geographical words are in French and the Complainant is a French well-known company; (iii) According to this similarity and to this reputation, it is very implausible that the Respondent may use this domain name in good faith given that the Complainant never gave any authorization to anyone to register this domain name; (iv) the Respondent's identity is private; (v) The disputed domain name's MX servers are activated which could imply fraudulent use for phishing or scamming activities.

B. Respondent

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

6. Discussion and Findings

6.1. Language of Proceedings

The language of the Registration Agreement for the disputed domain name is French.

Paragraph 11(a) of the Rules provides that "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding".

The Panel may also order that any documents submitted in a language other than that of the proceeding be translated.

As noted by previous UDRP panels, paragraph 11 of the Rules must be applied in accordance with the overriding requirements of paragraphs 10(b) and 10(c) of the Rules that the parties are treated equally, that each party is given a fair opportunity to present its case, and that the proceeding takes place with due expedition.

The Complainant has submitted a request that the language of the proceedings be English.

The Complainant contends that:

- The Respondent used the Registrar GOOGLE LLC and not a French registrar to register the disputed domain name;
- The Respondent used an anonymization service provided by a company located in Toronto, Canada, in which the main language is English.

The Panel accepts that substantial additional expense and delay would likely be incurred if the Complaint had to be translated into French. Moreover, the Panel notes that the Respondent did not comment on the language of the proceedings.

Thus, taking these circumstances into account, the Panel finds that it is appropriate to exercise its discretion and allow the proceedings to be conducted in English.

6.2. Discussion and Findings

In the absence of any response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- i) the disputed 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 disputed domain name; and
- iii) the disputed domain name was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that disputed domain name is confusingly similar to the Complainant's registered trademarks CIC since it entirely contains the trademark CIC with the additional words "nord", "ouest" and "credit".

It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name, the disputed domain name will normally be considered confusingly similar to the Complainant's trademark (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")).

Such happens to be the case here. The addition of the words "nord", "ouest" and "credit", ("north", "west" and "credit" in English) does not prevent a finding of confusing similarity.

Finally, it has also long been held that a generic Top-Level Domain (“gTLD”) is viewed as a standard registration requirement and as such is disregarded under the confusing similarity test, as it does in the present case.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The burden of proof is on the Complainant to demonstrate a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. Once the Complainant has made out a *prima facie* case, the burden of production then shifts to the Respondent, which has then to demonstrate rights or legitimate interests in the disputed domain name.

On the basis of the submitted evidence, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name: the Respondent is not commonly known under the disputed domain name, nor owns any registered rights on the disputed domain name or has been authorized by the Complainant to use the prior trademarks in any way.

The inactive holding of the disputed domain name in these circumstances is not a legitimate noncommercial or fair use within paragraph 4(c)(iii) of the Policy. There is no contrary evidence from the Respondent showing that it is making use of or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services within paragraph 4(c)(i) of the Policy.

Moreover, the Complainant has adduced evidence to show that the disputed domain name has been registered under usurped and fictitious identity, which means that the disputed domain name has been fraudulently registered and does not respect the registration agreement of the disputed domain name.

Given such evidence and the absence of contrary evidence from the Respondent, the Panel considers that it is not possible for the Respondent to establish that it has rights or legitimate interests in the disputed domain name.

The Panel therefore finds, noting the Complainant’s *prima facie* arguments and the absence of a response, that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given the strong reputation of the Complainant’s CIC trademark, the Panel considers that the Respondent knew or should have known of said trademarks at the time of the registration of the disputed domain name. Noting the circumstances of the case, such knowledge is sufficient to establish that the disputed domain name was registered in bad faith.

With respect to the use of the disputed domain name, the passive holding of the domain name does not prevent a finding of bad faith. See section 3.3 of the [WIPO Overview 3.0](#).

The factors that are typically considered when 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 concealment of its identity or its use of false contact details and (iv) the implausibility of any good faith use to which the domain name may be put. See also *Ladbroke’s Betting & Gaming Limited v. mehdi bouksila*, WIPO Case No. [D2021-3381](#).

Applying the factors set out above to the current circumstances: (i) the Complainant has established that its CIC trade mark is widely used in many countries; (ii) the Respondent has not replied to the Complaint and

the earlier use of the disputed domain name has been for fraudulent purposes; (iii) the Respondent has provided false registration details; and (iv) there is no plausible good faith use to which the disputed domain name could be put by the Respondent.

Accordingly, the circumstances support a finding of bad faith use of the disputed domain name under the doctrine of passive holding. In these circumstances the Panel finds that the disputed domain name was registered and is being used in bad faith within 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, <cic-nordouest-credit.com> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: October 20, 2023