

ADMINISTRATIVE PANEL DECISION

Credit Industriel et Commercial S.A. v. Milen Radumilo
Case No. D2023-5011

1. The Parties

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

Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <cic-international.com> is registered with UdomainName.com LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 1, 2023. On December 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 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 (PERFECT PRIVACY, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on December 5, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 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 Respondent of the Complaint, and the proceedings commenced on December 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 10, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 11, 2024.

The Center appointed Marina Perraki as the sole panelist in this matter on January 23, 2024. 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

Complainant, in abbreviated form CIC, is a French deposit bank, set up in 1859. Complainant has currently more than 5,6 million clients, while more than 1,800 agencies are distributed in France and 37 abroad.

Complainant maintains its main website at “www.cic.fr” and webpages at “www.cic.fr/fr/entreprises/international.html” and “www.clubcicinternational.com”.

Complainant created in 1984 an association under the name CLUB CIC INTERNATIONAL, which promotes exchanges and the sharing of information.

Complainant owns trademark registrations for CIC including the French trademark registration C.I.C (word) No.1358524 registered on November 21, 1986 for services in international classes 35 and 36, and the European Union trademark registration No.005891411 CIC (word), filed on May 10, 2007 and registered on March 5, 2008 for services in international classes 9, 16, 35 and 36.

The disputed domain name was registered on November 7, 2023 and led at the time of filing of the Complaint to a pay-per-click (PPC) webpage in French containing links to other providers of financial and banking services. It currently leads to a PPC website with links in English and French in the field of commercial and real estate.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the disputed domain name:

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

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “international” and a hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

On the contrary, the disputed domain name was used to host a parked page with PPC links. The Panel finds that it is not unlikely that Respondent received PPC fees from the linked websites and used the disputed domain name for its own commercial gain. The use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links mislead Internet users and trade off the complainant’s trademark (*Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#); [WIPO Overview 3.0](#), section 2.9).

Furthermore, there is no evidence on record giving rise to any rights or legitimate interests in the disputed domain name on the part of Respondent within the meaning of paragraphs 4(c)(ii) and 4(c)(iii) of the Policy.

In addition, the nature of the disputed domain name, consisting of Complainant’s trademark carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

This, along with the fact that the disputed domain name is registered with a privacy shield service, speaks against any rights or legitimate interests held by Respondent (*Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#); *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#)).

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Because the CIC mark had been widely used and registered before the disputed domain name registration, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the disputed domain name.

Moreover, the similarity of the disputed domain name to the Complainant's mark, reinforces the notion that Respondent was aware of and intentionally targeted Complainant in an attempt to confuse Internet users who were expecting to find Complainant's website.

As regards bad faith use, the disputed domain name direct Internet users to a website displaying links to third-party sites, which suggests that, presumably, Respondent received PPC fees from the linked websites that were listed thereon. It has been recognized that such use of another's trademark to generate revenue from Internet advertising can constitute registration and use in bad faith (*McDonald's Corporation v. ZusCom*, WIPO Case No. [D2007-1353](#); *Volkswagen Aktiengesellschaft v. Robert Brodi*, WIPO Case No. [D2015-0299](#); *SAP SE v. Domains by Proxy, LLC / Kamal Karmakar*, WIPO Case No. [D2016-2497](#); [WIPO Overview 3.0](#), section 3.5).

This, in view of the finding that Respondent has no rights to or legitimate interests in the disputed domain name, and in the circumstances of the case, affirms the bad faith (*Aygaz Anonim Şirketi v. Arthur Cain*, WIPO Case No. [D2014-1206](#); [WIPO Overview 3.0](#), section 3.1).

The Panel considers also the apparent concealment of the disputed domain name holder's identity through use of a privacy shield at the time of filing the Complaint, to be further indicative of bad faith (*BHP Billiton Innovation Pty Ltd v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#)).

Last, Respondent has been involved as a respondent in more than 300 UDRP cases since 2015. This pattern further supports a finding of bad faith pursuant to paragraph 4(b)(ii) of the Policy, which provides that a "pattern of such conduct" is evidence of bad faith.

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has established the third element 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-international.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: February 6, 2024