

## ADMINISTRATIVE PANEL DECISION

Oney Bank v. xing xing, xing xing  
Case No. D2024-3426

### 1. The Parties

The Complainant is Oney Bank, France, represented by SafeBrands, France.

The Respondent is xing xing, xing xing, China.

### 2. The Domain Name and Registrar

The disputed domain name <oneibank.com> is registered with SNAPNAMES, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2024. On August 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2024.

The Center appointed Andrea Mondini as the sole panelist in this matter on September 20, 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

The Complainant was founded in 1983 and is a French company specialized in consumer credit, electronic payments, and payment-card management.

The Complainant holds several domain names, among them <oneybank.com> which was registered on June 20, 2007, and hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASSES
ONEY	International Trademark	865742	August 11, 2005	9, 36, and 38
ONEY BANK	International Trademark	1330333	September 13, 2016	9, 35, 36, 38, and 42.

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on March 29, 2024.

According to the evidence submitted with the Complaint, when the Complainant tried to contact the Respondent on March 22, 2024, the disputed domain name resolved to an inactive website. Thereafter, the Respondent posted a website featuring sport betting content under the disputed domain name.

#### 5. Parties' Contentions

##### A. Complainant

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

Notably, the Complainant contends as follows:

The Complainant is a leading provider of financial services in the European Union with a portfolio of more than 10 million customers.

The disputed domain name is confusingly similar to the ONEY BANK trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and replacement of the letter "y" by the letter "i" is not sufficient to avoid confusing similarity, but rather constitutes an intentional misspelling (so-called "typo squatting").

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not hold trademark rights for the term "oneibank". The Complainant tried to contact the Respondent in order to ask him if the Respondent has rights in the disputed domain name, but the Respondent did not answer. Thus, the Complainant infers that the Respondent could not justify such rights.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark ONEY BANK at the time it registered the disputed domain name.

Respondent is using the disputed domain name in bad faith, by first passively holding the disputed domain name and then posting a website attempting to take advantage of the Complainant's notoriety for online sports betting games. Moreover, the Respondent failed to answer the Complainant's attempt to resolve this matter amicably.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (ii) the 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 the 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.

The 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 Panel finds the entirety of the mark is reproduced within the disputed domain name.

The replacement of the letter "y" with the letter "i" in the disputed domain name is considered an intentional misspelling of the Complainant's mark and does not prevent a finding of confusing similarity under the Policy. [WIPO Overview 3.0](#), section 1.9.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 for a complainant to prove that 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 the Complainant has established a prima facie case that the 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. Notably, the Respondent failed to respond to the Complainant's warning letter and emails attempting to resolve this matter amicably.

Based on the available record, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the Complainant's trademark is well known, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Complainant has shown that the disputed domain name resolves to a website with sports-related content and states that the Respondent is thereby attempting to take advantage of the Complainant's notoriety for online sports betting games. The Respondent did not rebut these contentions. The Panel holds that by using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of the Policy, paragraph 4(b)(iv). Moreover, the Respondent's use of false contact details, as evidenced by the inability of the courier to deliver the Center's written communication to the address disclosed by the Registrar for the Respondent, constitutes further evidence of registration and use in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

## **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 <oneibank.com> be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: October 2, 2024