

ADMINISTRATIVE PANEL DECISION

CA Consumer Finance v. emilie marbrier, adrien parent, benoit baston, and
Raymond BILODEAU, Name Redacted
Case No. D2024-3644

1. The Parties

The Complainant is CA Consumer Finance, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are emilie marbrier, France, adrien parent, France, benoit baston, France, and Raymond BILODEAU, Name Redacted.¹

2. The Domain Names and Registrar

The disputed domain names <sofinco.co>, <sofinco.online>, <sofinco.site>, and <sofinco.xyz> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 9, 2024. On September 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 10, 2024, 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/Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 11, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different

¹The 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Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.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](#).

underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 17, 2024.

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 Respondents of the Complaint, and the proceedings commenced on September 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 17, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on October 18, 2024.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on October 29, 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 is a French corporation established in 2010, part of the Crédit Agricole banking group founded in 1894 (which has become one of the top European retail banks and financial assets manager, with revenues in 2023 of EUR 36.5 billion). In 1999, the Crédit Agricole group acquired Société de Financement Industriel et Commercial (trading under the acronym SOFINCO) and merged it in 2010 with another consumer credit company, Finaref, to create the Complainant, which offers consumer credit services to its 6 million customers solely under the SOFINCO brand.

The Complainant owns inter alia the French trademark SOFINCO, registered under No. 1519214 on March 22, 1988, the International trademark SOFINCO, registered under No. 730493 on November 24, 1999 and the European Union trademark SOFINCO, registered under No. 004519732 on July 3, 2007 (together hereinafter referred to as: "the Mark").

The Complainant is the registrant of the domain names <sofinco.fr>, registered on November 7, 1995, and <sofinco.com>, registered on September 5, 1996.

The disputed domain name <sofinco.xyz> was registered on February 1, 2024; the disputed domain names <sofinco.co>, <sofinco.online>, and <sofinco.site> were registered on February 29, 2024.

The Complainant has submitted evidence that MX servers were configured on all the disputed domain names, which resolved to blank pages. At the time of this Decision, the disputed domain names resolve either to an error page or to a parking page of the Registrar with pay-per-click links.

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 names.

Notably, the Complainant contends that:

- (i) the disputed domain names reproduce the Mark in which the Complainant has rights, and are identical to the Mark insofar as the disputed domain names contain the Mark in its entirety;
- (ii) it never authorized the Respondents to use the Mark in any manner and it never had any affiliation with the Respondents, who are not commonly known by the disputed domain names and have no rights or legitimate interests in respect of the disputed domain names;
- (iii) the Respondents have registered and are using the disputed domain names in bad faith; in particular, the Respondents had knowledge of the Mark when registering the disputed domain names, and by creating confusion with the Mark, the Respondents are using the disputed domain names in bad faith.

The Complainant requests that the disputed domain names be transferred to the Complainant.

B. Respondents

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

6. Discussion and Findings

6.1. Procedural Aspects

A. Request for Consolidation – Multiple Respondents

The Complaint was filed in relation to nominally different domain names registrants. The Complainant alleges that the disputed domain names registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain names registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names' registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that:

- all disputed domain names are registered with the same Registrar;
- three disputed domain names were registered on the same date (as aforesaid, February 29, 2024), a mere 28 days after the first-registered disputed domain name <sofinco.xyz>;
- all disputed domain names share the same structure, being composed in an identical way to the Complainant's official domain names, i.e. all containing the Mark.

The combination of the above circumstances may indicate that the disputed domain names have been, in fact, registered by the same person or entity and are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain names registrants (referred to below as “the Respondent”) in a single proceeding.

B. Failure to Respond

Under the Rules, paragraphs 5(f) and 14(a), the effect of a failure to submit a response by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint.

Under paragraph 4(a) of the Policy, it is the Complainant’s burden to establish that all three of the required criteria for a transfer of the disputed domain names have been met, even in the absence of a response.

Under paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent’s failure to file a response as it considers appropriate under the circumstances.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant.

In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain names, such as making legitimate noncommercial or fair use of the disputed domain names.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant’s arguments that the Respondent has acted in bad faith.

6.2. Requirements of Paragraph 4(a) of the Policy

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 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 notes that the Mark is recognizable within the disputed domain names, which entirely reproduce the Mark.

Accordingly, the disputed domain names are identical to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Regarding the generic Top-Level Domains (“gTLD”) “.co”, “.site”, “.online” or “.xyz” respectively in the disputed domain names, it is well established that a gTLD does not generally affect the assessment for the purpose of determining identity or confusing similarity. [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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Further, in the present case, the disputed domain names are clearly targeting Internet users seeking the Complainant’s financial services, with a risk of phishing activity, since MX servers were configured on the disputed domain names. Such circumstances cannot be considered as a bona fide offering of goods or services.

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.

In the present case, the Panel notes that the disputed domain names directed to blank pages.

Panels 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. [WIPO Overview 3.0](#), section 3.3.

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. [WIPO Overview 3.0](#), section 3.3.

Regarding the degree of distinctiveness or reputation of the Mark, the Panel finds that it has acquired distinctiveness in light of the Complainant’s large number of customers and the duration of its use since 1995 in France, where the Complainant is headquartered and the Respondent is reportedly located. Therefore, the Panel finds it implausible that the Respondent chose to register the disputed domain names randomly, with no knowledge of the Mark.

Moreover, as noted above, the Respondent has failed to submit a response or to provide any evidence of actual or contemplated good-faith use.

In addition, considering the Complainant’s financial services activity and the fact that financial services is a highly regulated industry in France, the Panel finds it impossible to imagine any good faith use to which the disputed domain names could be put by the Respondent.

In this case, the Respondent has intentionally attempted to attract Internet users by creating a likelihood of confusion with the Mark and has used the disputed domain names to configure MX servers, enabling the creation of email addresses, this fact creating an actual and ongoing threat to the Complainant..

Finally, some UDRP panels have held that in certain circumstances, registrants of domain names have a duty to abstain from registering and using a domain name, which is either identical or confusingly similar to a prior trademark held by others and which would infringe upon or otherwise violate the rights of a third party. See Policy, paragraph 2(b); *Nike, Inc. v. B. B. de Boer*, WIPO Case No. [D2000-1397](#); *Nuplex Industries Limited v. Nuplex*, WIPO Case No. [D2007-0078](#); *Mobile Communication Service Inc. v. WebReg, RN*, WIPO Case No. [D2005-1304](#); *BOUYGUES v. Chengzhang, Lu Ciagao*, WIPO Case No. [D2007-1325](#); *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#); and *mVisible Technologies, Inc. v. Navigation Catalyst Systems, Inc.*, WIPO Case No. [D2007-1141](#).

In the present case, considering the Mark and the composition of the disputed domain names, the Panel finds it beyond doubt that the Respondent knowingly violated that duty.

Having reviewed the available record with respect to the disputed domain names, the Panel also notes the Respondent's lack of reaction to cease and desist letters and finds that in the total circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 names <sofinco.co>, <sofinco.online>, <sofinco.site>, and <sofinco.xyz> be transferred to the Complainant.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Sole Panelist

Date: November 7, 2024