

ADMINISTRATIVE PANEL DECISION

Caisse Fédérale de Crédit Mutuel v. hassan jaisan
Case No. D2024-4176

1. The Parties

The Complainant is Caisse Fédérale de Crédit Mutuel, France, represented by MEYER & Partenaires, France.

The Respondent is hassan jaisan, United States of America.

2. The Domain Name and Registrar

The disputed domain name <eplthete.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 12, 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 October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 5, 2024.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on November 8, 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 cooperative banking group, part of Crédit Mutuel-CIC Group, one of the largest banking and financial services organizations in France.

The first Crédit Mutuel was founded in 1882 in La Wantzenau, near Strasbourg, France. It was established on the principles of cooperative banking, where the customers are also the owners of the bank.

Crédit Mutuel offers a wide range of banking and financial services, including savings accounts, loans, insurance, and investment products through its website “www.creditmutuel.fr”, meant to serve both individual customers and businesses.

While Crédit Mutuel is primarily focused on the French market, it also has an international presence, with subsidiaries and branches in various countries, including in the United States of America, where the Respondent is purportedly located, through its subsidiary CIC.

The Complainant has also IT subsidiaries, namely Euro-Information, which is in place for four decades, managing the information systems of 16 Crédit Mutuel groups, all the CIC banks, and all the subsidiaries operating in the financial, technology, insurance, property, consumer credit, private banking and finance sectors, and Euro-Information Épithète, a software editor, that develops and offers digital products and services. These software solutions, known as “Hub Business Solutions”, are designed for professionals, associations, companies, large companies and their accountants. The services are communicated through the website “www.epithete.com”.

The Complainant is the owner of the following EPITETHE trademarks:

- French national trademark No. 4232510 for EPITETHE, registered on April 1, 2016, for goods and services in classes 9, 35, 36, 38, and 42; and

- European Union trademark No. 015350879 for EPITETHE, registered on August 26, 2016, for goods and services in classes 9, 35, 36, 38, and 42.

The disputed domain name <epithete.com> was registered on September 19, 2024, and at the time of filing the Complaint, the disputed domain name resolved to an inactive web page, being however used in relation to an email address “[...]@epihete.com”, through which fraudulent emails have been sent.

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 that:

(i) the disputed domain name is confusingly similar to his EPITETHE trademark, as it reproduces almost in its entirety its trademark EPITETHE, the only distinction being the replacement of the letter “I” by the letter “L” at the beginning of the sign;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, namely that, (1) the Respondent is not related in any way to the Complainant's business, it is not one of its agents and does not carry out any activity for, nor has any business with it, (2) the Complainant has not granted any license or authorization to the Respondent to make any use, or to apply for registration of the disputed domain name, (3) at the time of filing the Complaint, the disputed domain name resolved to

an inactive web page, being however used in relation to an email address “[...]@epihete.com”, through which fraudulent emails have been sent to affiliated bank customers, requesting them to pay invoices within which a false IBAN was specified;

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, namely that, (1) the Complainant’s EPITETHE trademark is incorporated almost in its entirety in the disputed domain name, the only distinction being the replacement of the letter “I” by the letter “L” at the beginning of the sign, (2) the Complainant has prior rights in the EPITETHE trademark that precedes the registration date of the disputed domain name, (3) by using the disputed domain name in relation to the email address “[...]@epihete.com”, through which fraudulent emails have been sent to affiliated bank customers, requesting them to pay invoices, within which a false IBAN was specified, the Complainant’s identity was usurped by the Respondent.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to succeed, such must prove, according to paragraph 4(a) of the Policy, 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 with respect to the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. Thus, the Panel will deal with each of the requirements in turn.

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 mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant’s EPITETHE trademark almost in its entirety without the letter “I” at the beginning of the sign, such being replaced by the letter “L”. Therefore, the Panel finds that the disputed domain name consists of a common, obvious, or intentional misspelling of a trademark which is considered to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

In what concerns the addition of the generic Top-Level Domain (“gTLD”) “.com” in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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

Based on the available record, 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 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.

Thus, based on the available evidence, the Respondent does not have the Complainant’s authorization to register the disputed domain name nor any business relationship with such.

Furthermore, the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainant’s EPITETHE trademark where the letter “I” at the beginning of the trademark was replaced by the letter “L”, which is very likely to lead to confusion for Internet users seeking or expecting the Complainant.

Based on the available evidence, at the time of filing the Complaint, the disputed domain name resolved to an inactive web page, being however used in relation to an email address “[...]@epihete.com”, through which fraudulent emails have been sent to affiliated bank customers, requesting them to pay invoices, within which a false IBAN was specified.

Panels have held that the use of a domain name for illegal activities, like in this case phishing, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

All the above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

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.

In the present case, the Panel notes that the Complainant’s rights in the EPITETHE trademark predate the registration date of the disputed domain name, which consists of a common, obvious, or intentional misspelling of the Complainant’s EPITETHE trademark.

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 present case, the Panel notes the composition of the disputed domain name, which comprises a typo of the Complainant's EPITETHE trademark, and the use of the disputed domain name in relation to an email address through which fraudulent emails have been sent to affiliated bank customers requesting them to pay invoices, support a finding of bad faith.

Panels have held that the use of a domain name for illegal activities, like in this case phishing, impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, 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 <epithete.com> be transferred to the Complainant.

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: November 22, 2024