

ADMINISTRATIVE PANEL DECISION

Crédit Foncier de France v. Lia Sova IT, CREDIT FONCIER GMBH
Case No. D2024-4223

1. The Parties

The Complainant is Crédit Foncier de France, France, represented by KALLIOPE Law Firm, France.

The Respondent is Lia Sova IT, CREDIT FONCIER GMBH, Germany.

2. The Domain Name and Registrar

The disputed domain name <cf-de.com> is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 14, 2024. On October 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 15, 2024, 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 (c/o whoisproxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 2024, 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 October 16, 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 Respondent of the Complaint, and the proceedings commenced on October 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 11, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on November 18, 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 following facts are undisputed.

The Complainant is a mortgage bank specialized in real estate financing and services in France. The Complainant was incorporated in 1852 by Emperor Napoléon III. The Complainant is a subsidiary of Groupe BPCE, which is one of the largest banking groups in France. BPCE pursues a full range of banking, financing and insurance activities and serves over 36 million customers with its 105,000 employees.

The Complainant is the owner of several trademarks, including, but not limited to the following trademarks registrations, such as:

- French trademark registration CRÉDIT FONCIER (combined word / device mark), with number 3194024, with an application date of November 12, 2002, and with a publication date of December 20, 2002, for services in classes 35, 36, 42 and 45;
- French trademark registration CREDIT FONCIER (combined word / device mark) with number 3796582 and with an application date of January 11, 2011, and a publication date of February 4, 2011, for services in classes 35, 36, 37, 41, 42, 43 and 45; and
- The European Union trademark registration CRÉDIT FONCIER (combined word / device mark) with number 018992050 and with a registration date of June 28, 2024 for services in class 36.

The abovementioned trademark registrations will hereinafter in singular also be referred to as the “CRÉDIT FONCIER mark”.

The Complainant has also applied for the French trademark CF (combined word / device mark), with number 5083443 and with an application date of September 19, 2024, for services in class 36. The opposition period for this application has lapsed.

The Complainant registered two domain names <creditfoncier.hr> and <creditfoncier.org>, respectively in 1997 and 1999. These domain names resolve to the e-commerce websites of the Complainant (the “official websites”). On the official websites, customers of the Complainant are able to access their bank accounts online.

The use and registration of the CRÉDIT FONCIER mark predates the registration of the disputed domain name, which was registered on June 14, 2023. Until January 2024, the disputed domain name resolved to an active website which included the exact representation of the Complainant’s combined word / device mark and referencing to financial services. After that and also at the time of rendering this decision, the disputed domain name resolved to a website referencing a business in commodities under the name “Credit Foncier”.

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 the following.

As wholly owned subsidiary of Groupe BPCE, the Complainant plays an important role in real estate financing and service in France. The Complainant serves its clients’ real estate needs as individuals, real

estate professionals or investors by providing them with its innovation and creativity as well as the experience it has gained on the real estate market for more than 167 years.

The Complainant has continuously used the CRÉDIT FONCIER mark since at least 2002 and used its official websites in commerce since 1997. The CRÉDIT FONCIER mark is well known in the Finance and Banking industry.

The disputed domain name is confusingly similar to the CRÉDIT FONCIER mark. The disputed domain name incorporates the CRÉDIT FONCIER mark by using “CF” which are the first letters of the two words of which the CRÉDIT FONCIER mark consists, with “de” referring to Germany and using the generic Top-Level Domain (“gTLD”) “.com”. The addition of the descriptive term “de” does not make the disputed domain name any less confusingly similar to the CRÉDIT FONCIER mark. Instead the addition of the descriptive term “de” will increase the likelihood of confusion since the Internet users will believe that the disputed domain name is related to the Complainant in one way or another. The gTLD will not be taken into account to assess the confusing similarity. Moreover, the customer’s confusion is evidenced.

The Respondent has no rights or legitimate interests in the disputed domain name. Notably, the Complainant has never authorized the Respondent to register and/or use the disputed domain name. More specifically, the CRÉDIT FONCIER mark. Further, the Respondent’s action in connection with the disputed domain name cannot be considered a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

The Respondent has engaged in bad faith. The Respondent acquired with knowledge of the CRÉDIT FONCIER mark the confusingly similar disputed domain name to intentionally attract for commercial gain the Internet users to the Website to which the disputed domain name resolves for fraudulent activities. The Respondent is engaging in an act of fraud, scam, or phishing by attempting to attract the Internet user to a fake website. The Respondent is taking advantage of the reputation and goodwill of the CRÉDIT FONCIER mark in an effort to attract Internet users and generate traffic on the Website to which the disputed domain name resolves by eventually obtaining confidential information scamming the Internet user.

In addition, the disputed domain name is also currently set up with mail exchanger (“MX”) records. This shows that the disputed domain name may be actively used for mail purposes such as a phishing attack.

An email has been submitted which under the pretext of having been sent by an email address connected the Complainant’s domain name to potential clients of the Complainant, requesting the addressee to use the contact details as shown on the website to which the disputed domain name resolves. Moreover, the Respondent is using a “whois protection service” to register the disputed domain name. Use of this service to shield its identity and elude enforcement efforts by the legitimate trademark owner demonstrates the Respondent’s bad faith.

Finally, the Respondent seems to have a reoccurring pattern of fraudulent activities.

B. Respondent

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

6. Discussion and Findings

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. Those rights relate to trademark registrations which incorporate the full name CRÉDIT FONCIER. The Complainant does not yet own registered rights in relation to the trademark CF, as this is a pending application.

Nonetheless, the disputed domain name, as registered by the Respondent, incorporates the abbreviation of the CRÉDIT FONCIER mark, being “CF”.

Although, the content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element, in some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name. [WIPO Overview 3.0](#), section 1.15.

This targeting is clearly the case. The Respondent has used the exact combined word / device mark which is registered by the Complainant on the website to which the disputed domain name resolved. By doing this, the Respondent creates a confusing similarity between the CRÉDIT FONCIER mark and the disputed domain name, as Internet users will assume that “cf” will stand for CRÉDIT FONCIER.

Although the addition of other terms here, “de” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation / fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The fact that the Respondent used the name “Credit Foncier GMBH” as the registrant organization does not in itself give rise to rights or legitimate interests in the disputed domain name (in the absence of evidence on the contrary).

The Panel notes the further change of the use of the disputed domain name from October 14, 2024, but such change of use is not sufficient (in the lack of further evidence) to establish that the Respondent has rights or legitimate interests in the disputed domain name.

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.

The disputed domain name was used to host a page which would aid phishing or fraud. The Panel finds that the Respondent's registration and use of the disputed domain name in such a manner demonstrates registration and use in bad faith, because the Respondent has intentionally attempted to impersonate the Complainant in order to gather sensitive information from unsuspecting Internet users.

In the present case, the Panel notes that the Complainant and its activities are clearly known to the Respondent and the Respondent has sought to benefit himself with the Complainant's success. The Panel finds that, certainly lacking any reply, any bona fide use of the disputed domain name is implausible under the circumstances of this proceeding.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation, fraud and phishing, 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. The Panel considers that the change of use as evidenced in the screen capture provided by the Complainant as of October 14, 2024, does not alter the Panel's finding. The Panel notes that nothing points towards a later acquisition of the disputed domain name by an entity different to the one that had used it previously as per the evidence submitted by the Complainant dated January 11, 2024, which showed a clear targeting of the Complainant. The website at the disputed domain name still refers to "Credit Foncier" (two words in French corresponding to the Complainant's trademark, while the Respondent is located in Germany) without evidence to reach a conclusion about the legitimacy of any business promoted therein. Even if the current Respondent had acquired the disputed domain name at a later date (a point that has not been proven), the Respondent did not come forward with any explanation as to the registration and use of the disputed domain name, and particularly did not provide any explanation or reply to the serious case raised by the Complainant concerning the use of the disputed domain name for illegal activity. 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 <cf-de.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: November 30, 2024