

ADMINISTRATIVE PANEL DECISION

Banque Palatine v. Roger Vallon
Case No. D2024-4264

1. The Parties

The Complainant is Banque Palatine, France, represented by KALLIOPE Law Firm, France.

The Respondent is Roger Vallon, France.

2. The Domain Name and Registrar

The disputed domain name <palatine-clients.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2024. On October 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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 (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 October 17, 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 18, 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 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 18, 2024.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on November 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 bank founded in 1780 and specialized in small and medium-size companies and in asset management. The Complainant is a wholly owned subsidiary of Groupe BPCE.

The Complainant and its affiliated companies are the owner of numerous trademarks incorporating part or entirety of its incorporation name (the "PALATINE Trademarks"):

- the French wordmark PALATINE No. 3338990, registered on July 15, 2005 for products and services in classes 9, 16, 38, 41, 42, and 45;
- the European union wordmark PALATINE No. 004353223, registered on July 31, 2006, for products and services in classes 9, 16, 35, 36, 38, 41, and 42; and
- The French wordmark BANQUE PALATINE No. 3644179, registered on September 18, 2009, for services in classes 35, 36, and 38.

The Complainant is also the owner of the domain name <palatine.fr>.

The dispute domain name was registered on October 6, 2024, and is currently inactive. At the time of filing the Complaint, a subdomain web page associated with the disputed domain name prominently displayed the Complainant's PALATINE Trademarks and logo, and purportedly impersonated the Complainant.

The Complainant also provided evidence of email communications associated with the disputed domain name purporting to be associated with the Complainant.

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 the disputed domain name is identical or confusingly similar to its PALATINE Trademarks. The Complainant points out the PALATINE Trademarks are well-known and dully exploited in France. The Complainant underlines the disputed domain name incorporates the PALATINE Trademarks in their entirety and the addition of the term "clients" does nothing to prevent a finding of confusing similarity since it refers to its clients and only helps suggest that the disputed domain name is intended for the Complainant's clients.

Then, the Complainant asserts the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has never authorized the Respondent to register and/or use any domain name incorporating the PALATINE Trademarks. The Complainant indicates that it has not granted any license nor any authorization to use the PALATINE Trademarks in a domain name.

Finally, the Complainant submits the disputed domain name was registered and is being used in bad faith. First, the Complainant explains that its parent company and itself are well-known in France and through the world, notably by the financial and banking market consumers. For the Complainant, this shows the registration of the disputed domain name is not a mere coincidence and, on the contrary, demonstrates that the Respondent has registered the disputed domain name on purpose to generate a likelihood of confusion with its PALATINE Trademarks. Then, the Complainant underlines the fact that the disputed domain name

redirects to an inaccessible website which shows the Respondent is trying to benefit from the likelihood of confusion with the PALATINE Trademarks in order to take advantage of their reputation, goodwill and image to attract users and generate traffic on its websites and generate revenue. Furthermore, the Complainant submits bad faith can also be demonstrated since another disputed domain name was registered with a Mail Exchanger record (“MX record”) enabling the Respondent to create email addresses using the disputed domain name. The Complainant has produced an example of fraudulent emails inviting the recipient to access the disputed domain name to access its online account. Finally, the Respondent contends that the Respondent’s willingness to remain anonymous when registering the disputed domain name is evidence of its bad faith.

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.

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, “-clients”, 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.

Indeed, it appears that the Respondent has not received any authorization to use the PALATINE Trademarks in any manner, including for the registration of domain names, and that the Respondent is not affiliated with nor authorized by the Complainant in any way. Rather, as discussed below, it appears the disputed domain name has been registered and used in connection to a fraudulent scheme, which would not support a finding of rights or legitimate interests.

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 at the time of the Decision the disputed domain name is inactive and that the Respondent has targeted the PALATINE Trademarks on purpose and appears to have used the disputed domain name as part of a phishing scheme. Indeed, the Complainant has provided evidence of another domain name that was used to send fraudulent emails inviting recipients to connect to their account by using a web page resolving from a subdomain associated with the disputed domain name. The Panel considers that the composition of the disputed domain name and the provision of an impersonating web page on a subdomain of the disputed domain name seeking sensitive banking information, clearly support a finding of 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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's PALATINE Trademarks, and the composition of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name 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 name <palatine-clients.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: December 13, 2024