

ADMINISTRATIVE PANEL DECISION

Natixis v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2024-5029

1. The Parties

Complainant is Natixis, France, represented by MIIP MADE IN IP, France.

Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <naatixis.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 December 5, 2024. On December 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 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 (“Unavailable”) and contact information in the Complaint. The Center sent an email communication to Complainant on December 10, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 11, 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 Respondent of the Complaint, and the proceedings commenced on December 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 3, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on January 9, 2025. 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

Complainant is a company organized under the laws of France that is active in the financial industry and specialized in asset & wealth management, corporate & investment banking, insurance and payments.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand NATIXIS, inter alia, but not limited to, the following:

- word trademark NATIXIS, European Union Intellectual Property Office, registration number: 005129176, registration date: June 21, 2007, status: active.

Moreover, Complainant has demonstrated to own since 2005 the domain name <natixis.com> which resolves to Complainant's official website at "www.natixis.com", used to promote Complainant's services and related products in the financial industry internationally.

Respondent, according to the Registrar verification, is located in Panama. The disputed domain name was registered on December 2, 2024, and it resolves to a typical Pay-Per-Click (PPC) website with hyperlinks to active third-party websites.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it belongs to the BPCE group of companies, which is the second largest banking group in France, and that its reputed services proposed under the NATIXIS trademark are well known in France, the European Union and internationally.

Complainant submits that the disputed domain name is confusingly similar to Complainant's NATIXIS trademark, as it incorporates the latter in its entirety with an additional letter "a" which amounts to typo-squatting. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent apparently has no rights including trademark rights in respect of the name "naatixis"; (2) there is no business or legal relationship between the Parties and Complainant has neither authorized nor licensed Respondent to use its trademarks in any way; (3) a Google search made in relation to the term "naatixis" does not lead to pertinent results apart from results related to Complainant; and (4) the disputed domain name points to a parking page. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Complainant's NATIXIS trademark is well-known in France and in several other countries, and such notoriety has been recognized in many prior UDRP decisions; (2) the disputed domain name has been registered and is used with the aim of taking advantage of the reputation of Complainant's NATIXIS trademark; and finally (3) Respondent has already been involved in numerous UDRP proceedings.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

First, 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 Complainant's NATIXIS 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.

Complainant has shown rights in respect of its NATIXIS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Moreover, the entirety of such trademark is reproduced within the disputed domain name, simply in a typo-squatted version by doubling the letter "a". Accordingly, the disputed domain name is confusingly similar to Complainant's NATIXIS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Moreover, the fact that the disputed domain name obviously includes an intentional misspelling of Complainant's NATIXIS trademark is not at all inconsistent with such finding of confusing similarity. Typo-squatted domain names are, on the contrary, intended to be confusing so that Internet users, who unwittingly make common typing errors, will enter the typo-squatted domain name instead of the correct spelled trademark. Accordingly, UDRP panels agree that domain names which consist e.g., of an intentional misspelling of a trademark are considered to be confusingly similar under the UDRP. [WIPO Overview 3.0](#), section 1.9.

The Panel, therefore, holds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has not been authorized to use Complainant's undisputedly well-reputed NATIXIS trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the terms "natixis" and/or "naatixis" on its own. Finally, Respondent obviously has neither used the disputed domain name for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose. On the contrary, the disputed domain name resolves to a typical PPC website with hyperlinks to active third-party websites, for the obvious purpose of generating PPC revenues. UDRP panels agree that using a domain name to host a PPC website does not present a bona fide offering where such PPC links compete with or capitalize on the reputation and goodwill of the complainant's trademark or otherwise mislead Internet users (see [WIPO Overview 3.0](#), section 2.9).

The Panel, therefore, holds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Third, 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.

The circumstances in this case, including the intentional misspelling of Complainant's undisputedly well-reputed NATIXIS trademark as it is reflected in the disputed domain name, leave no reasonable doubts that Respondent was fully aware of Complainant's rights in such trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, resolving the disputed domain name to a typical PPC website with hyperlinks to active third-party websites, for the obvious purpose of generating PPC revenues, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's NATIXIS trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, the Panel has also well noted that Respondent not only has been a party to numerous UDRP proceedings in the past in all of which the respective panels found for bad faith acting on the part of Respondent, but also that the latter has obviously provided false or incomplete contact information in the Whois register for the disputed domain name, since, according to the email correspondence between the Center and the postal courier, the Written Notice of the Complaint dated December 12, 2024, could not be delivered. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding also in the case at hand.

The Panel, therefore, holds that 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, <natixis.com>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: January 22, 2025