

ADMINISTRATIVE PANEL DECISION

BPCE v. Leatha Yates

Case No. D2025-0637

1. The Parties

The Complainant is BPCE, France, represented by KALLIOPE Law Firm, France.

The Respondent is Leatha Yates, United States of America.

2. The Domain Name and Registrar

The disputed domain name <fraude-banquepopulaire.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 18, 2025. On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 2025, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 2025, 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 February 20, 2025.

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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

Due to an administrative oversight, it appears that the Center's Notification emails were not copied to the Respondent at one of the email addresses. In light of the above, the Center granted the Respondent a ten-day period (e.g., through March 29, 2025) in which to indicate whether it wishes to participate to this proceeding. The Respondent did not submit any response.

The Center appointed Mihaela Maravela as the sole panelist in this matter on April 8, 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

According to information in the Complaint, the Complainant is a French joint stock company acting as the central institution responsible for the two banking networks Banques Populaires and Caisses d'Epargne. It is the second largest banking group in France and pursues a full range of banking, financing, and insurance activities, it has 105,000 employees and 36 million customers. The Complainant is well known in the international market and is present in more than 40 countries via its various subsidiaries.

The Complainant is the owner of a number of trademarks for BANQUE POPULAIRE, including the following: (i) the French trademark registered under number 3113485 on July 25, 2001 for services in classes 36 and 38 or (ii) the French trademark registered under number 4605979 on December 9, 2019 for services in classes 9, 35, and 36. The Complainant has registered many domain names that consist of BANQUE POPULAIRE, including <banque-populaire.com> registered in 1998.

The Complainant sent a cease-and-desist letter in January 2025 to the Respondent which remained unanswered.

The disputed domain name was registered on November 12, 2024, and does not resolve to an active website. According to evidence with the Complaint, the website at the disputed domain name was blocked by the browser which suspects phishing activity.

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 contains in its entirety the well-known trademark BANQUE POPULAIRE with the addition of the prefix "fraude-" which does not prevent a finding of confusing similarity. On the contrary, "fraude" is descriptive and means in French "fraud". Thus, the disputed domain name is configured in such a way as to mislead Internet users into believing that it hosts a Complainant site specifically designed to combat bank fraud.

As regards the second element, the Complainant submits that it has never authorized the Respondent to register and/or use any domain name incorporating its trademarks. With respect to the third element, the Complainant submits that its trademark BANQUE POPULAIRE is well-known in France and through the world, notably by the financial and banking market consumers. Consequently, the choice of the disputed domain name is not a mere coincidence. As to the use, the Complainant contends that the disputed domain name is used in bad faith because the website at the disputed domain name has been blocked by the browser which suspects phishing activity; also, the Respondent has hidden its contact details.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith.

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 the trademark BANQUE POPULAIRE 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, "fraude") 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.

The disputed domain name does not currently resolve to an active website; instead, the Internet browser appears to have blocked access to the disputed domain name due to suspected phishing activity. Under the evidence in the case file, therefore, the disputed domain name is not being used in connection with a bona fide offering of goods or services, or for a legitimate noncommercial or fair use. Panels have held that the use of a domain name for illegitimate activity (here, likely phishing, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Given also the nature of the disputed domain name, that includes the Complainant's BANQUE POPULAIRE trademark in its entirety and therefore carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant, such use does not confer in the Panel's view rights or legitimate interests to the Respondent. [WIPO Overview 3.0](#), section 2.5.1.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

In this case, according to the unrebutted assertions of the Complainant, its BANQUE POPULAIRE trademark was widely used in commerce well before the registration of the disputed domain name. The disputed domain name is confusingly similar to the Complainant's trademarks. Under these circumstances, the Panel finds that the Respondent likely knew of the Complainant and deliberately registered the confusingly similar disputed domain name. As regards the use in bad faith, the disputed domain name resolves to "deceptive website" warning page provided by the browser, due to suspected phishing activity. In the Panel's view, given the Complainant's reputation in its trademark, its long-standing use and the Respondent's failure to submit a Response, such warning is evidence that the Respondent has attempted to engage in such bad faith use. The Respondent has failed to bring evidence to the contrary. Panels have held that the use of a domain name for illegitimate activity (here, claimed phishing, or other types of fraud) 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 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 <fraude-banquepopulaire.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: April 10, 2025