

ADMINISTRATIVE PANEL DECISION

BFORBANK. v. Malik Tabet

Case No. DME2024-0006

1. The Parties

The Complainant is BFORBANK, France, represented by Nameshield, France.

The Respondent is Malik Tabet, Malik Tabet, France.

2. The Domain Name and Registrar

The disputed domain name <bforbank.me> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 10, 2024. On September 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 11, 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 September 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”) as adopted by doMEn, d.o.o. (doMEn), the registry operator of the .ME TLD on April 30, 2008, the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) approved by doMEn on October 1, 2012, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 12, 2024. In accordance with the Rules, paragraph 5(a), the due date for Response was October 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 3, 2024.

The Center appointed Alexandre Nappey as the sole panelist in this matter on October 9, 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 the French company BFORBANK, a 100% online bank launched in October 2009 by Crédit Agricole Regional Banks.

The Complainant offers daily banking, savings, investment, and credit (consumer and real estate) services for more than 230,000 customers.

The Complainant is the owner of the European Union trademark BFORBANK no. 008335598, registered since December 8, 2009, live.

The Complainant is also the owner of the domain name <bforbank.com>, registered since January 16, 2009.

The disputed domain name <bforbank.me> was registered on September 4, 2024.

It currently resolves a parking page and is offered for sale.

5. Parties' Contentions

A. Complainant

First, the Complainant states that the disputed domain name is identical to its trademark BFORBANK as it is identically contained.

The Complainant alleges that the addition of the suffix ".me" does not change the overall impression of the designation as being connected to the Complainant's trademark: it does not prevent the likelihood of confusion.

Then, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since:

- the Respondent is not affiliated with nor authorized by the Complainant in any way;
- the disputed domain name resolves a parking page which shows that the Respondent did not make any use of the disputed domain name since its registration, and demonstrates a lack of legitimate interests;
- the disputed domain name is offered for sale which is evidence of the Respondent's lack of rights or legitimate interests.

Third, the Complainant submits that the Respondent has registered and used the disputed domain name in bad faith:

- the Respondent has registered the disputed domain name several years after the registration of the trademark BFORBANK by the Complainant, which has established a strong reputation while using this trademark, especially in France, where the Respondent is also established;
- given the fact that the Complainant is well-known, and considering the distinctiveness of its trademark, the Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's rights in the trademark;

- the disputed domain name resolves a parking page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate; and
- the disputed domain name points to a web page where it is offered for sale. The Complainant contends that the Respondent has registered the disputed domain name only in order to sell it for valuable consideration in excess of its documented out of pocket costs, which evinces bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the disputed domain name:

- (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 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

The Panel concludes that the Complainant has rights in the marks BFORBANK.

The Panel also finds the disputed domain name to be identical to the Complainant's trademark.

The Complainant has therefore satisfied Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the disputed domain name:

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

There is no evidence of the existence of any of those rights or legitimate interests in this case. The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark in the disputed domain name.

The Respondent had the opportunity to demonstrate its rights or legitimate interests, but it chose not to reply to the Complaint.

As such the Panel finds that the Complainant has satisfied the second requirement of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use include without limitation:

- (i) circumstances indicating the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) circumstances indicating that the disputed domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding disputed domain name, provided there is a pattern of such conduct; or
- (iii) circumstances indicating that the disputed domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the disputed domain name has intentionally been used in an attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on that website or location.

The Complainant's trademark registration for BFORBANK predates the registration of the disputed domain name <bforbank.me>.

There is no evidence in the case record indicating that the disputed domain name has resolved or currently resolves an active website nor that the Respondent has made or currently makes any legitimate use of the disputed domain name.

As stated in section 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), passive holding as such does not prevent a finding of bad faith.

In the absence of any evidence to the contrary, the Panel agrees with the Complainant that the disputed domain name <bforbank.me> was registered by the Respondent with the Complainant's trademark BFORBANK in mind.

Thus, the Panel cannot conceive any use that the Respondent could make of the disputed domain name that would not interfere with the Complainant's trademark rights.

In these circumstances the Panel holds that the disputed domain name was registered and used in bad faith.

The Panel finds that the above constitutes registration and use in bad faith pursuant to the third requirement of paragraph 4(a) 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 <bforbank.me> be transferred to the Complainant.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: October 17, 2024