Anonymized decision for dispute CAC-ADREU-008782

Case number	CAC-ADREU-008782
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Domain names	groupecreditmutuel.eu

Case administrator

Olga Slanařová (Case admin)

Complainant

Organization	CONFEDERATION NATIONALE DU CREDIT MUTUEL - CNCM

Complainant representative

Organization	Meyer & Partenaires

Respondent

Name	[redacted]

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

A. COMPLAINANT

The Complainant argues that the disputed domain name is confusingly similar to its well-known registered trademark “CREDIT MUTUEL”.
The Complainant asserts that the top-level domain “.eu” should be disregarded because it is a mere technical requirement.
The Complainant notes that the disputed domain name contains the trademark “CREDIT MUTUEL” with the addition of the generic term “GROUPE”, and considers that the wording "CREDIT MUTUEL" constitutes the distinctive and dominant element of the disputed domain name.
The Complainant states that:
- the Respondent is not related in any way to the Complainant's business;
- no license or authorization has been granted to the Respondent to make any use or apply for registration of the disputed domain name;
- the contact information in the Whois database for the disputed domain name relates to an individual who was victim of identity theft;
- the disputed domain name is pointing to a parking webpage.
In the light of the above-mentioned elements, the Complainant contends that the Respondent could not have any right or legitimate interest in the disputed domain name.
The Complainant underlines that its trademark is well-known in the field of banking and financial services, and it seems impossible that the Respondent was not aware of the banking group and of its trademark when he registered the disputed domain name.
The Complainant observes that the disputed domain name redirects to a sponsored links page, among which some of them refer to Complainant’s competitors. The Complainant considers that this use constitutes evidence of bad faith intended to take advantage of the Complainant's reputation, creating a likelihood of confusion among Internet users.
The Complainant adds that e-mail servers were activated for the disputed domain name, making it possible to send out fraudulent e-mails impersonating the Complainant for phishing purposes.
Therefore, the Complainant considers that the Respondent both registered and used the disputed domain name in bad faith.

B. RESPONDENT

The Respondent did not file a response.

The individual who appears to be the registrant of the disputed domain name declared to the French police that he has been a victim of an

identity theft and that he was not the registrant of the disputed domain name.

DISCUSSION AND FINDINGS

Under Article 4(4) of Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 (hereinafter referred as "the Regulation"),
"A domain name may [...] be revoked, and where necessary subsequently transferred to another party, following an appropriate ADR [...], in accordance with the principles and procedures on the functioning of the .eu TLD [...], where that name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:
has been registered by its holder without rights or legitimate interest in the name; or
has been registered or is being used in bad faith".
The same requirements are mentioned in Paragraph B11(d)(1) of the ".eu Alternative Dispute Resolution Rules" (hereinafter referred as "ADR Rules").

Identical or confusingly similar to a name in respect of which a right is established by Union or national law

The first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, a Complainant's name in respect of which a right is established by Union or national law.
As regards the "name in respect of which a right is established by Union or national law", Article 9(2) of Commission Implementing Regulation (EU) 2020/857 of 17 June 2020 laying down the principles to be included in the contract between the European Commission and the .eu top-level domain Registry in accordance with Regulation (EU) 2019/517 of the European Parliament and of the Council clarifies that it concerns "at least the intellectual property rights covered in Commission Statement 2005/295/EC, including copyright, trademarks, and geographical indications provided in Union or national law, and, in as far as they are protected under national law in the Member States where they are held: unregistered trademarks, trade names, business identifiers, company names, family names, and distinctive titles of protected literary and artistic works".
There are two elements of the identity or confusing similarity test: the Complainant must demonstrate that it has rights in a name in respect of which a right is established by Union or national law and, if so, the disputed domain name must be shown to be identical or confusingly similar to that name.
The Complainant has proven ownership, among others, of the European Union trademark n° 9943135 "CREDIT MUTUEL", registered on October 20, 2011 in classes 9, 16, 35, 36, 38, 41, 42 and 45.
On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name itself to the name in respect of which a right is established by Union or national law, that in the present case is the Complainant's trademark.
The disputed domain name differs from the Complainant's trademark "CREDIT MUTUEL" only by the addition of the term "GROUPE" and by the top-level domain ".EU".
It is well established that where the relevant trademark is recognizable within the disputed domain name, minor changes usually do not prevent a finding of confusing similarity under the first element. In particular, the addition of a generic term would not prevent a finding of confusing similarity (see, for example, WIPO Case No. DEU2023-0007).
It is also well established that the top-level domain may generally be disregarded in the confusing similarity test (for example WIPO case No. DEU2024-0020).
In the light of the above, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademark.
Accordingly, the Panel finds that the Complainant has satisfied the first element of confusing similarity set out in Article 4(4) of the Regulation and Paragraph B11(d)(1)(i) of the ADR Rules.

Rights or legitimate interest in the name

The second requirement that the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.
Paragraph B11(e) of the ADR Rules provides that the following circumstances can be situations in which the respondent has rights or legitimate interest in a domain name:
- prior to any notice of the dispute, the Respondent has used the domain name or a name corresponding to the domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;
- the Respondent, being an undertaking, organisation or natural person, has been commonly known by the domain name, even in the absence of a right recognised or established by national and/or European Union law;
- the Respondent is making legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national law and/or European Union law.
This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.
The onus of proving this requirement falls on the Complainant. Other panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative".
Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in a domain name.
The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name.
In particular, the Complainant states that:
- the Respondent is not related in any way to the Complainant's business, he is not one of its agents and does not carry out any activity for, or has any business with it;
- no license or authorization has been granted to the Respondent to make any use of the Complainant's trademark or apply for registration of the disputed domain name;
- there was an identity theft as regards contact information in the Whois database for the disputed domain name;
- the disputed domain name is pointing to a parking webpage.
From the elements provided by the Complainant, the Panel finds that Respondent does not appear to have any right or legitimate interest in

relation with the disputed domain name.
Taking into account that the Respondent is not related with the Complainant, that he is not commonly known by the disputed domain name, that the disputed domain name resolves to a parking page, that no license or authorization has been granted to use the Complainant's trademark or to apply for registration of the disputed domain name, that there was an alleged identity theft, the Panel cannot imagine any possible right or legitimate interest that could justify the registration of the disputed domain name, and the Respondent has not come forward with any explanation that demonstrates any right or legitimate interest in the disputed domain name.
Accordingly, the Panel finds that the Complainant has satisfied Article 4(4)(a) of the Regulation and Paragraph B11(d)(1)(ii) of the ADR Rules.

Registered or used in bad faith

Taking into account the Panel's finding that the Respondent lacks rights or a legitimate interest in the disputed domain name, it is not necessary for the Complainant to satisfy also the requirement of bad faith registration or use by the Respondent. However, the Complainant has submitted relevant evidence for the third element and for completeness, the Panel will consider it.
Paragraph B11(f) of the ADR Rules provides that the following circumstances may be evidence of the registration or use of a domain name in bad faith:
(1) Circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting or otherwise transferring the domain name to the holder of a name in respect of which a right is recognised or established by national and/or European Union law, or to a public body; or
(2) The domain name has been registered in order to prevent the holder of a name in respect of which a right is recognised or established by national and/or European Union law, or a public body, from reflecting this name in a corresponding domain name, provided that:
(i) the Respondent has engaged in a pattern of such conduct; or
(ii) the domain name has not been used in a relevant way for at least two years from the date of registration; or
(iii) there are circumstances where, at the time the ADR Proceeding was initiated, the Respondent has declared its intention to use the domain name in respect of which a right is recognised or established by national and/or European Union law or which corresponds to the name of a public body in a relevant way but failed to do so within six months of the day on which the ADR Proceeding was initiated;
(3) the domain name was registered primarily for the purpose of disrupting the professional activities of a competitor; or
(4) the domain name was intentionally used to attract Internet users, for commercial gain to the Respondent's website or other online location, by creating a likelihood of confusion with a name in respect of which a right is recognised or established by national and/or European Union law, or it is a name of a public body, with such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the Respondent; or
(5) the domain name is a personal name for which no demonstrable link exists between the Respondent and the domain name registered.
The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and that it has been used in bad faith.
Taking into account the fact that the trademark "CREDIT MUTUEL" is well-known, as also recognized by other panels (see for example CAC Case No. CAC-ADREU-007280), the Panel agrees that it is inconceivable that the Respondent was not aware of the Complainant's rights in the Complainant's trademark when registering the disputed domain name.
Other panels considered that knowledge of a corresponding mark at the time of the domain name's registration can suggest bad faith (see WIPO Case No. DEU2023-0004). The Panel shares this view.

Furthermore, other panels have found that the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is evidence of bad faith use (see for example CAC Case No. CAC-ADREU-007728). The Panel agrees with this view and considers that in the circumstances of the present case the use of the disputed domain name in a webpage with sponsored links to competitors constitutes evidence of bad faith use.
Moreover, other panels considered that the risk that a domain name is used for the sending and receiving of phishing emails may exist where a domain name that is confusingly similar to the Complainant's well-known trademark has been created by the Respondent, and in the absence of the Respondent's explanation as regards the creation of the MX record (see WIPO Case No. DEU2024-0035). The Panel agrees with this view and considers that, in the present circumstances, the existence of a MX record for the disputed domain name supports a finding of bad faith.
The Respondent did not put forward any argument in relation with the alleged bad faith registration and use. However, the fact that a third party declared that he was victim of an identity theft might constitute further evidence of bad faith. Indeed, in similar cases other panels have considered that concealing the Respondent's identity or use of false contact details might be considered as further evidence of bad faith (see for example WIPO Case No. DEU2023-0004).
The Panel, having taken into account the Respondent's knowledge of the Complainant's well-known and distinctive trademark at the time of the disputed domain name's registration, the fact that the disputed domain name resolves to a parking page with commercial links, the existence of a MX record and the alleged identity theft, considers that the disputed domain name was registered and is being used in bad faith.
Accordingly, the Panel finds that the Respondent both registered and used the disputed domain name in bad faith within the meaning of Article 4(4)(b) of the Regulation and Paragraph B11(d)(1)(iii) of the ADR Rules.

Eligibility criteria

The Complainant seeks the transfer of the disputed domain name. The Complainant is an undertaking that is established in France. It satisfies the general eligibility criteria for registration of the disputed domain name set out in Article 3 of the Regulation and is entitled to request the transfer of the disputed domain name.

Anonymization of the public version of the Decision

The Respondent appears to have used the name and contact details of a third party when registering the disputed domain name. In light of the potential identity theft, in line with the approach taken by other panels in similar cases (see for example WIPO Case No. DEU2023-0007), the Panel requests that the Respondent's name is redacted from the public version of this Decision. Indeed, the publication of the third party's name in these circumstances might adversely affect him.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name

<groupecreditmutuel.eu> be transferred to the Complainant.

Panelists

Name	**Michele Antonini**

DATE OF PANEL DECISION 2025-07-30

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <groupecreditmutuel.eu>

II. Country of the Complainant: France, country of the Respondent: France

III. Date of registration of the domain name: 18 March 2025

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. European Union registered word trademark reg. No. 9943135, for the term “CREDIT MUTUEL”, filed on 5 May 2011, registered on 20 October 2011 in respect of goods and services in classes 9, 16, 35, 36, 38, 41, 42 and 45.

V. Response submitted: No

VI. Domain name is confusingly similar to the protected rights of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden of proof has shifted to the Respondent to prove that he has relevant rights or legitimate interests.
The Respondent has not filed a Response nor submitted any evidence to show he has any rights or legitimate interests in the disputed domain name. The Respondent has failed to discharge the burden of proof to prove that he has any relevant rights or legitimate interests.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes
2. Why: The following elements have been considered as evidence of bad faith registration and use of the disputed domain name: (a) the Respondent's knowledge of the Complainant's well-known and distinctive trademark at the time of the disputed domain name's registration, (b) the fact that the disputed domain name resolves to a parking page with commercial links, (3) the existence of a MX record and (4) the alleged identity theft.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: In the public version of the Decision, the Respondent's name has been redacted because the Respondent appears to have used the name and contact details of a third party when registering the disputed domain name.

XII. Is Complainant eligible? Yes