Decision for dispute CAC-UDRP-103147

Case number	CAC-UDRP-103147
Time of filing	2020-07-07 11:02:03
Domain names	cofinoga.org

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BNP PARIBAS PERSONAL FINANCE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Yitzhak Zafrani

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

Various registered trade marks that comprise or incorporate the term "COFINOGA". They include International trademark n° 688493 for COINOGA as a standard character mark registered on 2 March 1998 in classes 35, 36, 39 and 42. That mark designated and has proceeded to registration in seven territories.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is part of an international banking group with a presence in 72 countries, and one of the largest banks in the world. With more than 202 624 employees and €7.5 billion in net profit in 2018, the Complainant stands as a leading bank in the Eurozone and a prominent international banking institution. It has used COFINOGA as a consumer credit brand in France for 40 years.

The Complainant is the owner of a large portfolio of domain names that incorporate the term “COFINOGA”, such as <cofinoga.com>, registered on 11 September 1996.

The disputed domain name <cofinoga.org> (the "Domain Name") was registered on 13 June 2019 and redirects to a parking page with commercial links, related to commercial activities in which the Complainant's group is engaged.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel accepts that the Domain Name comprises a term in respect of which the Complainant has registered trade mark rights combined with the ".org" TLD. It is, therefore, satisfied that the Complainant has demonstrated that the Domain Name is at least confusingly similar to a trade mark in which has rights.

Further, the Panel accepts that it is likely that the Respondent was aware of the Complainant's business and marks at the time the Domain Name was registered, given the reputation of the Complainant's business under the COFINOGA name and the fact that the term "Cofinoga" has no obvious meaning other than as a reference to the Complainant. There is no evidence that the Complainant has used the equivalent <.com> domain name, but its ownership of that domain name appears to have been clear at all material times from publicly available WhoIs details for that domain name. This is a factor that also supports the Panel's conclusions as to the Respondent's knowledge.

The Panel also concludes that there is no obvious explanation as to why the Domain Name was registered and held other than in order to take unfair advantage of the Domain Name's association with the Complainant's marks and business. Further, it accepts that the Domain Name has been used since registration for a webpage displaying pay-per-click links associated with the business activities in which the Complainant is engaged.

There is no right or legitimate interest in using a Domain Name to display pay per click links that take advantage of the Complainant's trade marks (see section 2.9 of the WIPO Jurisprudential Overview 3.0). Further, such use is positive evidence that no such right of legitimate interest exists. It is also sufficient for the purposes of bad faith registration and use to demonstrate that a domain name has been registered and held to take unfair advantage of the Domain Name's association with the Complainant's marks and business (see Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230). The Panel also accepts that the pay-per-click use made of the Domain Name falls with the scope of paragraph 4(b)(iv) of the Policy.

It follows that the Complainant has made out the requirements of paragraphs 4(a)(ii) and 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **COFINOGA.ORG**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2020-07-30

Publish the Decision