Decision for dispute CAC-UDRP-103448

Case number	CAC-UDRP-103448
Time of filing	2020-12-04 08:37:23
Domain names	financo-banky.online

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	FINANCO

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Loukmane Amzath

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant owns various trademarks comprising the term “Financo”, including the French trademark no. 4576196 “Financo” (with design), registered since January 10, 2020, which covers various goods and services – notably various financial services – in international classes 09, 16, 35, and 36.

The disputed domain name was registered on November 23, 2020, i.e. the Complainant’s trademark registration mentioned above predates the registration of the disputed domain names.

FACTUAL BACKGROUND

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

Founded in 1986, the Complainant is a financial company specializing in consumer credit. Having 400 employees itself, it is a subsidiary of the larger financial services group CRÉDIT MUTUEL ARKÉA.

The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The

Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's "Financo" trademark, or to apply for registration of the disputed domain name.

The disputed domain name redirects to a website in French language which offers loan and consumer credits. On this website the Respondent identifies itself as "FINANCO BANKY", allegedly with headquarters at the address "10/12 Rue du Général Foy 75008 Paris, France" and registered under the n° 346 792 448. According to various official databases consulted by the Complainant a company with this name, address, and/or registration number does not exist.

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 only difference between the Complainant's trademark cited above and the disputed domain name are:

- the suffix "-banky", which alludes to the descriptive term "bank"; and

- the suffix ".online", which is owed to the technical requirements of the domain name system and also descriptive.

This renders the Complainant's trademark and the disputed domain name confusingly similar.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

Given the false company name, address, and registration number that are presented on the Respondent's French language website, which are designed to delude website users into believing that the website is operated by a legitimate French financial services company, the Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent was aware of Complainant's rights in the designation "Financo" when he registered the disputed domain name. Again, this prima facie evidence was not challenged by the Respondent, which supports the conclusion that the disputed domain name was registered in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Respondent's use of

the disputed domain name for a website offering loan and consumer credits, which falls squarely into the Complainant’s own business activities, demonstrates that the Respondent 'intentionally attempted to attract, for commercial gain, Internet users to its website', by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site (paragraph 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FINANCO-BANKY.ONLINE**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2021-01-10

Publish the Decision