Decision for dispute CAC-UDRP-103530

Case number	**CAC-UDRP-103530**
Time of filing	**2021-01-26 09:22:37**
Domain names	**olgafinanco.com**

Case administrator

Organization	**Denisa Bilík (CAC) (Case admin)**

Complainant

Organization	**FINANCO**

Complainant representative

Organization	**Nameshield (Enora Millocheau)**

Respondent

Name	**Vaamonde Lombardero**

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 French national trademarks, including word marks FINANCO with nos. 3747380 and 4576196 registered since 2010 and 2019, respectively, for services in class 36 for financial related service (hereinafter the "Trademark").

FACTUAL BACKGROUND

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

The Complainant was founded in 1986 and is a financial company specializing in consumer credit.

The disputed domain name was registered on November 25, 2020 and redirects to a website which offers loan and consumer credits in the language of the visitor's IP address (as the Panel discovered).

The Complainant contends that the disputed domain name is confusingly similar to the Trademark as the disputed domain name contains the Trademark in its entirety, while the addition of the term “OLGA” is not sufficient to escape the finding that

the disputed domain name is confusingly similar to the Trademark.

The Complainant further alleges that the Respondent does not have any rights or legitimate interest in the disputed domain name. The Respondent is not known under the disputed domain name, and is neither affiliated with nor authorized by the Complainant to use the Trademark in the disputed domain name. Moreover, the website in relation with the disputed domain name offers loan services, which compete with the services provided by the Complainant, which is not a use indicative of rights or legitimate interests. Further, the name and address of the company which the website to which the disputed domain name resolves seem to be false as the company is not registered with the Companies Register or other governmental agencies, and the address dis that of American Express France.

The Complainant also alleges that the Respondent has registered the disputed domain name many years after Complainant had registered the Trademarks, while the terms "FINANCO" has no meaning in any language. The Respondent uses the disputed domain name to promote services such as consumer loan or personal loans, which compete with the services offered by the Complainant. Therefore, the Respondent's conduct shows manifest evidence of use and registration of the disputed domain name in bad faith.

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

1. The Panel finds that the disputed domain name is confusingly similar to the Trademark, which has been taken in its entirety in the disputed domain name. The prefix "OLGA", which does not seem to have a specific meaning other than being a female name, does not take away the confusing similarity of the disputed domain name to the Trademark.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent was not commonly known under the disputed domain name or authorized by the Complainant to register and use the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. The Panel is satisfied that the term "Financo" is not a common denominator, but rather a novel term coined by the Complainant so that it is likely that the Respondent musts have had the older Trademark in mind when registering the disputed domain name. This is further emphasized by the fact that the disputed domain name resolves to a website which separates "Olga" and "Financo", while offering similar services as the Complainant offers under the Trademark. The Complainant has also successfully shown that the website to which the disputed domain name resolves not only offers

credit to consumers but also that the company which allegedly offers such services is not listed or may not even exist and uses a false address. Consequently, the Respondent registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **OLGAFINANCO.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2021-02-17

Publish the Decision