Decision for dispute CAC-UDRP-101437

Case number	CAC-UDRP-101437
Time of filing	2017-02-09 09:48:37
Domain names	VERIFICATION-BPE.COM

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	BANQUE PRIVEE EUROPEENNE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Jesus L Word

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings.

IDENTIFICATION OF RIGHTS

BPE for “Banque Privée Européenne”, a subsidiary of La POSTE Group, is a bank specialized in wealth management.

The Complainant is the owner of trademark “BPE’, such as:
INPI n° 3096615 registered on April 23th, 2001 in classes 35 ; 36 ; 38 ; 40 ; 42 ; 45.

The Complainant communicates through the website www.bpe.fr (registered on June 18th, 2001).

FACTUAL BACKGROUND

Disputed domain name is confusingly similar to the protected mark.
The manner in which the Disputed domain name is confusingly similar to the protected mark: Mark combined with generic term.

ADDITIONAL EXPLANATIONS:
The Complainant states that the Disputed domain name <verification-bpe.com> is confusingly similar to its trademark BPE®. Indeed, the Disputed domain name contains the Complainant's trademark in its entirety.

The addition of the French (or English) generic term "VERIFICATION" is not sufficient to escape the finding that the domain name is confusingly similar to the trademark.

Furthermore, the Complainant contends the addition of the gTLD ".COM" 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 between the Disputed domain name and the Complainant, its trademark and its domain names associated.

Finally, the Disputed domain name <verification-bpe.com> redirects to the Complainant's website: www.bpe.fr.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed domain name <verification-bpe.com>. He is not related in any way to the Complainant.

The Complainant contends that the Respondent has attempted to create a likelihood of confusion by pretending to misrepresent itself as the Complainant.

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 main issues under the Policy are whether:

i. the 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 with respect to the domain name; and
iii. the domain name has been registered and is being used in bad faith.

2. The Panel reviewed carefully all documents provided by the Complainant. The Respondent did not provide the Panel with any documents or statements. The Panel also visited all available websites and public information concerning Disputed domain name, namely the WHOIS databases.

3. The Rules for Uniform Domain Name Dispute Resolution Policy clearly says in its Article 3 that any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules.

4. The Panel therefore came to the following conclusions:

a) The Complainant has clearly proven that he is a long standing and successful company in the Internet space. It is clear that his trademarks and domain name “BPE” are well known.

Domain name to be identical or confusingly similar

b) The Complainant states that the Disputed domain name <verification-bpe.com> is confusingly similar to its trademark. Indeed, the trademark is incorporated in its entirety in the Disputed domain name. The domain name redirects to its official website.

Respondent not having rights or legitimate interest with respect to the Disputed domain name

c) It has to be stressed that it was proven that there are no fair rights of the Respondent to the Disputed domain name. The Respondent is not generally known by the Disputed domain name, and has not acquired any trademark or service mark rights in the name or mark.

The Disputed domain name was registered with an intention to attract customers of another well known domain name/registered trademark holder. Therefore there cannot be seen any legitimate interest of the Respondent.

Domain name has been registered and is used in bad faith

d) From the IP Law perspective, it is clear that the Complainant's trademark and website were used by the Complainant long time before the Disputed domain name was registered and used. It is therefore concluded that the Disputed domain name was registered with an intention to attract customers of another well known domain name/registered trademark holder.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **VERIFICATION-BPE.COM**: Transferred

PANELLISTS

Name	**Dr. Vít Horáček**

DATE OF PANEL DECISION 2017-03-22

Publish the Decision