

Decision for dispute CAC-UDRP-105976

Case number	CAC-UDRP-105976
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Time of filing	2023-11-15 10:08:43
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Domain names	bnpparibus.com
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BNP PARIBAS
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	Milen Radumilo
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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 is *inter alia* the proprietor of the international trademark registration no. 876031 "BNP Paribas", registered on November 24, 2005, for various goods and services in classes 9, 35, 36, and 38 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is an international banking group present in 64 countries, and one of the largest banks in the world. It has almost 184,000 employees across 64 locations worldwide and €50.4 billion in revenues. Information about the Complainant's products and services is available online at <group.bnpparibas>.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant argues that the disputed domain name is confusingly similar to the Trademark as the substitution of the letter "A" by

the letter “U” in the Trademark is not sufficient to escape the finding of confusing similarity. It also states that the present case is a clear case of typosquatting.

The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant points out that the Respondent is not identified in the Whois as the disputed domain name, that the Respondent has no rights or legitimate interests in the disputed domain name and is not related to the Complainant in any way, that the Respondent has not been granted any authorization to use the trademark, that the fact that the Respondent has engaged in typosquatting is evidence that the Respondent lacks rights and legitimate interests in the disputed domain name, and that the Respondent's use of the disputed domain name in connection with a parking site containing commercial links is not a *bona fide* offering of goods or services or a legitimate noncommercial or fair use.

Finally, the Complainant alleges that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the Trademark is well known, as confirmed by prior panels under the UDRP, and that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's rights in the Trademark. Further, the Complainant argues that the misspelling of the Trademark is designed to be confusingly similar to the Trademark and that the Respondent is intentionally targeting the Complainant. With respect to bad faith use, the Complainant argues that the Respondent has attempted to attract Internet users to its website for commercial gain and that the Respondent has demonstrably used the disputed domain name in a phishing scheme, both of which are clear evidence of bad faith use.

RESPONDENT:

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

Paragraph 4(a) of the Policy requires the Complainant to establish that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1.

The Panel acknowledges that the disputed domain name is indeed confusingly similar to the Trademark, as it fully incorporates the well-established Trademark, with the only discrepancy being the replacement of the letter “A” with the letter “U”. This is a clear case of typosquatting.

2.

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has satisfied its obligations under paragraph 4(a)(ii) of the Policy. The Respondent has not rebutted these allegations in any way and has therefore failed to establish any rights or legitimate interests in the disputed domain name. On the basis of the evidence before the Panel, the Panel also finds that the Respondent has no rights or legitimate interests in the disputed domain name because the disputed domain name is not generic and is used in connection with a website that contains advertisements for third parties' websites and in a phishing scheme.

3.

The Panel is also satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark, given that the Trademark is highly distinctive and that the Respondent intentionally targeted the Trademark by using the disputed domain name in a phishing scheme.

With respect to bad faith use, by using the disputed domain name for a landing page containing advertising links promoting third party products and services, the Respondent was, in all likelihood, attempting to redirect traffic intended for the Complainant's website to its own website for commercial gain as set forth in paragraph 4(b)(iv) of the Policy. It is well established that a respondent, as the registered owner of the domain name, bears ultimate responsibility for the information available on the website and for all content posted thereon, regardless of its origin or the parties benefiting from its commercial use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bnpparibus.com**: Transferred

PANELLISTS

Name	Peter Müller
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DATE OF PANEL DECISION	2023-12-12
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Publish the Decision
