Decision for dispute CAC-UDRP-106976

Case number	CAC-UDRP-106976
Time of filing	2024-10-21 08:36:06
Domain names	efinanco-pro.com

Case administrator

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

Complainant

Organization	FINANCO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	CREDIT SOLUS

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 the owner of several trademark including the term FINANCO, such as:

- The French trademark PREFERENCE FINANCO® n°3385073 registered since October 11, 2005, notably in class 36 for financial-related services;
- The French trademark FINANCO® n°3747380 registered since June 18, 2010, notably in class 36 for financial-related services;
- The French trademark FINANCO® n° 4576196 registered since August 21, 2019, notably in class 36 for financial-related services.

The Complainant also owns of several including the term “FINANCO”, such as:

- <financo.fr> registered and used since March 17, 1998;
- <financo.eu> registered and used since March 20, 2006;
- <pro-financo.fr> registered and used since July 11, 2012.

The disputed domain name <efinanco-pro.com> was registered on April 26, 2024 and redirects to a website written in French and offering financial services such as online banking and professional loans.

FACTUAL BACKGROUND

Created in 1986 the Complainant, ARKÉA FINANCEMENT & SERVICES, operating under the commercial name FINANCO, is a financial company specializing in consumer credit. With its 400 employees, the Complainant manufactures and distributes financing solutions adapted to the projects of individuals and very small businesses.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

The Complainant among other contends the following in support of the complaint.

The Complainant contends that the domain name <efinanco-pro.com> is confusingly similar to its trademark and services FINANCO. Indeed, the disputed domain name contains the Complainant's trademark in its entirety. The addition of the term "PRO" increases the likelihood of confusion with the Complainant's trademark, because this term refers to the Complainant's website https://www.pro-financo.fr/.

The Complainant contends that the Respondent is not commonly known by the disputed domain name, but as "CREDIT SOLUS", and that the Respondent has not acquired any rights on the terms used in the disputed domain name.

The Respondent has registered the disputed domain name, which is confusingly similar to Complainant's FINANCO trademark, many years after Complainant had registered the trademark. The expression " EFINANCO PRO" has no meaning in any language, except in reference to the Complainant. The Respondent, who is according to the website located in France, choose to associate the term "FINANCO" with the abbreviation "PRO", likely in reference to the Complainant's website https://www.pro-financo.fr/.

The disputed domain name redirects to a website providing financial services such as professional loans, which are highly similar to the services offered by the Complainant and the services covered by the Complainant's trademarks, registered in class 36 for financial services.

The Respondent, who is French like the Complainant, could not have ignored the Complainant's trademark FINANCO at the moment of the registration of the disputed domain name <efinanco-pro.com>.

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).

This is a case of adding generic terms - in this case "pro", referring to "professional", and "e", referring to "electronic", to the trademark of the Complainant, FINANCO, and in respect of the well-established practice that the specific top-level of a domain name such as ".com" does not affect the disputed domain name for the purpose of determining whether it is identical or confusingly similar, it is found that the disputed domain name is confusingly similar to Complainant´s trademark FINANCO.

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).

Given the circumstances of the case, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's marks and domain names.

The Panel therefore finds that the disputed domain name was registered in bad faith.

By using the disputed domain name to lead Internet users to a website offering services similar to the services offered by the Complainant, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location, and that the Respondent is therefore using the disputed domain name in bad faith.

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 three essential issues under the paragraph 4(a) of the Policy are whether:

i. the disputed 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 disputed domain name; and

iii. the disputed 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 the disputed domain name, namely the WHOIS databases.

3. The UDRP Rules clearly say 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 states and proves that the disputed domain name is confusingly similar to its trademark and its domain names. Indeed, the trademarks is partially incorporated in the disputed domain name.

The disputed domain name is therefore deemed confusingly similar.

b) The Respondent is not generally known by the disputed domain name and have not acquired any trademark or service mark rights in the name or mark, nor is there any authorization for the Respondent by the Complainant to use or register the disputed domain name. The Panel therefore finds that the Respondent does not have rights or legitimate interest with respect to the disputed domain name.

c) It is clear that the Complainant's trademarks and website(s) were used by the Complainant long time before the disputed domain name was registered.

The Panel finds it inconceivable that the Respondent was unaware of the Complainant's trademark and domain names at the time of registering the disputed domain name and therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name leads Internet users to a website offering services similar to the services offered by the Complainant, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **efinanco-pro.com**: Transferred

PANELLISTS

Name	**Lars Karnoe**

DATE OF PANEL DECISION 2024-11-26

Publish the Decision