Decision for dispute CAC-UDRP-103861

Case number	CAC-UDRP-103861
Time of filing	2021-06-14 10:39:14
Domain names	cofinoga.info

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	BNP PARIBAS PERSONAL FINANCE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Elizabeth Muller

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 owner of:

French trademark COFINOGA No. 1680739 filed on July 16, 1991;

International trademark COFINOGA No. 688493 registered on March 2, 1998.

The Complainant also owns the domain name <cofinoga.com>, registered since September 11, 1996.

FACTUAL BACKGROUND

The Complainant is a company offering a complete range of loans for private individuals to support them in their projects. As a 100%-owned subsidiary of BNP PARIBAS GROUP, and with 109.9 billion euros of outstanding loans managed and 5,796 million euros of net banking income, BNP PARIBAS PERSONAL FINANCE is the leader in personal financing in France and Europe through its consumer credit and home loan activities and exploits several trademarks, such as COFINOGA.

The Complainant has proven to be the owner of the COFINOGA mark.

The disputed domain name was registered on May 22, 2021 and, at the time the complaint was filed, resolved to a page under construction. Currently, an error message is displayed (i.e. 403 Forbidden – Access to this resource on the server is denied!).

The Complainant's trademark and domain name registrations predate the registration of the disputed domain name.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the COFINOGA trademarks, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith.

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

A) Confusing similarity

The disputed domain name is identical to the Complainant's registered trademarks COFINOGA, but for the generic TLD .info.

Therefore, the Panel finds the disputed domain name to be confusingly similar to the COFINOGA trademarks in which the Complainant has rights.

B) Lack of legitimate rights or interests

The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant firmly in mind. The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to

constitute a prima facie demonstration of the absence of rights or legitimate interests in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademark and reputation, especially in France, it is reasonable to infer that the Respondent, who is from France, registered the disputed domain name with full knowledge of the Complainant's trademark.
Indeed, from the Respondent's email address, " contact.vitalfinance.patrimoine@..... ", It can be assumed that the Respondent is operating in the same field of the complainant, i.e. finance. Therefore the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademark when registering the disputed domain name.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant's trademark.

Thirdly, it appears that the disputed domain name redirects to a "forbidden access" page, and, as affirmed by previous panels, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.
The Panel thus believe that by using the disputed domain name, the Respondent has intentionally attempted to attract, presumably for commercial gain, Internet users to its web site by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its web site (par. 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. **COFINOGA.INFO**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2021-07-15

Publish the Decision