Decision for dispute CAC-UDRP-107416

Case number	CAC-UDRP-107416
Time of filing	2025-03-18 15:21:30
Domain names	arkea-groups.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	CREDIT MUTUEL ARKEA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Arkea

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence of owning the following trademarks in relation to the ARKEA brand:

- French trademark ARKEA No. 96636222 (word mark), registered on 7 March 1997 in Nice Classification classes 35, 36, 42 and 45;

- French trademark CREDIT MUTUEL ARKEA No. 3888981 (combined word and figurative mark), registered on 11 May 2012 in Nice Classification class 36.

The Complainant also provided evidence of domain names it holds: <arkea.com>, registered on 26 July 2002, and <cm-arkea.com>, registered on 5 March 2021.

The Respondent registered the disputed domain name <arkea-groups.com> on 11 July 2024 according to the Registrar Verification obtained by the CAC Case Administrator.

FACTUAL BACKGROUND

The Complainant, Crédit Mutuel Arkéa, is a French cooperative and mutualist banking and insurance group formed out of the Crédit Mutuel de Bretagne and Sud-Ouest cooperative groupings. Dating its operations back to 1911, it is today one of the largest banking

and insurance groups in France, has some forty specialized subsidiaries and retains a democratic decision-making structure.

The Complainant adduced screenshots of the website to which the disputed domain name resolves as well as some screenshots of the Complainant's own web site. These show that the Complainant's ARKEA logo is copied on the Respondent's website in the exact style as on the Complainant's site. An e-mail contact address is furthermore given on the Respondent's website to an address associated with the disputed domain name. A further screenshot, taken later, shows that the Respondent's website has been suspended, apparently by the internet service provider hosting it.

The Panel's routine scrutiny of the Case File revealed that the contact details provided by the Respondent at registration include "Arkea" as registrant organization, a mobile number which is also a different mobile number than that given on the Respondent's website and a postal address that appears credible. However, in exercise of its general powers under Paragraph 10 of the UDRP Rules, the Panel determined that the street address given by the Respondent does not correspond to the locality given.

PARTIES CONTENTIONS

COMPLAINANT:

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant contends that the disputed domain name <arkea-groups.com> is confusingly similar to its trademark ARKEA because it contains ARKEA in its entirety and differs from it only by addition of the generic term "GROUPS", whereas the gTLD extension <.com> does not change the overall impression of the disputed domain name being connected to the trademark ARKEA.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant notes that the Respondent is not identified in the WHOIS database as the disputed domain name and contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Nor is the Respondent related in any way with the Complainant, by business or otherwise. Furthermore, the Complainant has granted no authorization to the Respondent to make any use of the Complainant's trademark ARKEA or to apply for registration of the disputed domain name. To the contrary: the Respondent's website associated with the disputed domain name contains material illegitimately copied from the Complainant and uses part of the Complainant's logo in a deceptive manner, amounting to a passing off. This conduct contradicts any bona fide offering of goods and services that might give rise to any right or legitimate interest.

3. The disputed domain name was registered and is being used in bad faith

The Respondent registered the disputed domain name several years after the Complainant's registration of its ARKEA trademarks. Given the distinctiveness of the Complainant's trademarks and their reputation, the Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name <arkea-groups.com> without actual knowledge of the Complainant's trademark rights. The Complainant contends that the purpose of registering the disputed domain name is phishing and that the Respondent is intentionally attempting to attract internet users to its website for commercial gain by creating likely confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website or services on it. This is likely to disrupt the business of the Complainant. All of this shows that the Respondent both registered the disputed domain name and is using it in bad faith.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trademark 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 that 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that its résumé of the Parties' contentions includes for the Complainant only its arguments pertinent to reaching a decision in this administrative proceeding; it omits in particular references made in the Complaint to past ADR Panels' Decisions.

Lastly, the Panel notes the Complainant's invitation to the Panel to regard its submissions concerning the Respondent's lack of rights or of a legitimate interest as being adequate to constitute a prima facie case and thereby to shift the burden of proof to the Respondent. The Panel does not accept this argumentation with respect to the circumstances of this case, there being notably no clarity given by the Complainant as to what it actually means by a prima facie case relative to those circumstances. The Panel recommends instead paying close attention to the actual facts of the proceeding, which in this case make the Complainant's invitation superfluous.

PRINCIPAL REASONS FOR THE DECISION

The Panel FINDS that:

1. The Complainant has substantiated its trademark rights in the ARKEA brand name and that this name is used by the Respondent as the predominant element in the disputed domain name; that the addition of the word “GROUPS” within the stem of the disputed domain name purports to be a credible variation upon the brand name in view of the Complainant’s identity as the product of a merger between two banking and insurance groups and that the <.com> extension only reinforces the disputed domain name’s confusing similarity with the Complainant’s own domain name, <cm-arkea.com>. The real test here is whether an unsuspecting consumer or other internet user might be confused into mistakenly taking <arkea-groups.com> to be a channel to the Complainant. This test is clearly fulfilled, so satisfying the first criterion of the UDRP three-part cumulative test.

2. There is no question in the circumstances of the Respondent having any right to, or legitimate interest in, the disputed domain name. The Registrar Verification shows that the Respondent provided misleading contact details, in particular by purporting to be the Complainant as registrant organization. Other contact details similarly do not withstand serious examination. And it is clear from the screenshots of the Respondent’s website to which the disputed domain name resolves that it is a mere device for trickery, thereby substantiating that, far from corresponding to any legitimate interest, the Respondent’s actual interest concerned is unambiguously illegitimate. The second criterion of the UDRP’s test is irrefutably met.

3. The circumstances already referred to equally leave no doubt as to the Respondent’s bad faith at registration and in using the disputed domain name. This is, moreover, not merely a case of the Complainant’s rights being infringed, but of their being violated in a manner whereby the online public has been exposed to financial risk, by website phishing or otherwise. The UDRP is designed to combat domain name abuse, and this case exemplifies a serious and increasingly common form of abuse. The Panel thus has no hesitation in acknowledging that the third and final criterion of the UDRP’s test is satisfied.

In light of these findings, the Panel therefore ORDERS transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **arkea-groups.com**: Transferred

PANELLISTS

Name	**Kevin Madders**

DATE OF PANEL DECISION 2025-04-18

Publish the Decision