Decision for dispute CAC-UDRP-108611

Case number	CAC-UDRP-108611
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Domain names	bforbk-prive.com

Case administrator

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

Complainant

Organization	BFORBANK

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	FRIBOURG

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 trademarks BFORBANK, including the European trademark n°8335598 registered June 2nd, 2009.

FACTUAL BACKGROUND

The Complainant states that it is an online bank launched in October 2009 by the Credit Agricole Regional Banks. BFORBANK offers daily banking, savings, investment and credit (consumer and real estate) services. It counts over 450 000 clients and 600 employees. The disputed domain name <bforbk-prive.com> was registered on April 21, 2026 and redirects to a blank page.

PARTIES CONTENTIONS

COMPLAINANT

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

to it. In specific, it contends:

1. The deletion of the letters "a" and "n" and the addition of the generic term and hyphen "-PRIVE" (French for "PRIVATE") is not sufficient to escape the finding that the domain name is confusingly similar to the trademark BFORBANK. It does not change the overall impression of the designation as being connected to the Complainant's trademark BFORBANK. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its associated domain name.

2. Given the distinctiveness of the Complainant's trademarks and reputation, the Complainant contends 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. Furthermore, the disputed domain name points to a blank page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain names, and it is not possible to conceive of any plausible actual or contemplated active use of the domain names by the Respondent that would not be illegitimate.

3. The disputed domain name was registered several years after the registration of the trademark BFORBANK by the Complainant, which has established a strong reputation while using this trademark. Indeed, the Complainant is well known.

4. The Respondent has configured the disputed domain name for MX servers, which suggests that it may be actively used for email purposes.

RESPONDENT

The Respondent has not appeared formally or informally to controvert the evidence submitted by the Complainant.

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 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant to Paragraph 4(a) of the Policy the Complainant is required to prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(i) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and
(ii) respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations, its submitted evidence and adduced proof pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to

accept all reasonable allegations and inferences set forth in the Complaint and annexes as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, WIPO Case No. D2000-0009 (WIPO February 29, 2000) ("In the absence of a response, it is appropriate to accept as true all [reasonable] allegations of the Complaint.").

1. Identical or Confusingly Similar to a Mark in which Complainant has a Right:

To succeed under the first element, a complainant must pass a two-part test by first establishing that it has rights, and if it does it must then show that the disputed domain name is either identical or confusingly similar to the mark. The first element of a UDRP complaint “serves essentially as a standing requirement.” The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.1”), section 1.7.

Here, the Complainant has established that it has rights in the word mark BFORBANK by providing the Panel with evidence that it has a registration mark for that term. The consensus view which the Panel adopts is that a national or an international trademark registration is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established that it has a right in the word mark BFORBANK.

The second part of the test calls for comparing the Complainant’s mark with the disputed domain name. It entails “a straightforward visual or aural comparison of the trademark with the alphanumeric string in the domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark." WIPO Overview 3.1, supra.

In comparing <bforbk-prive.com> with BFORBANK it is evident that the disputed domain name is not identical to the mark. The question is whether the omission of two letters “a" and "n" from "bank" and the addition of the word and hyphen "-PRIVE" creates a distinctive name or is simply confusingly similar to the Complainant’s mark. The Complainant contends that this omission and addition do not change the overall impression of the designation as being connected to the Complainant's trademark BFORBANK. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its associated domain name, <bforbank.com>. This Panel agrees. See CAC Case No. 106564, FORBANK v. Bruce Kalva <bforbk-clients.com> ("At first glance, the omission of these two letters is inconsequential to the appearance of confusing similarity with the 'BFORBANK'. This could be classified as a case of typosquatting, which is a practice whereby a domain name registrant deliberately introduces typographical errors or misspellings into a trademark, when registering the domain name. In addition, according to the Merriam-Webster Online Dictionary, 'BK' might stand as an abbreviation for 'BANK'. This conclusion is supported by the addition of a hyphen and the word 'clients' in the disputed domain name, which is the second element of the disputed domain name. Adding this word heightens the appearance of confusing similarity with the trademark 'BFORBANK' since it appears to be a reference to the users of the services provided by the Complainant, namely banking and financial services. In this instance, the element 'clients' appears to enhance the appearance of confusing similarity of the disputed domain name with the Complainant's trademark.").

Thus, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s mark. With regard to the top level, the Complainant contends that "com" does not change the overall impression of the designation as being connected to the trademark BFORBANK. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its associated domain names. See WIPO Case No. D2006-0451, F Hoffmann-La Roche AG v. Macalve e-dominios S.A. ("It is also well established that the specific top level of a domain name such as ".com", ".org" or "net" does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.").

Accordingly, Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights and legitimate interests, Para. 4(a)(ii)

Under paragraph 4(a)(ii) of the Policy, a complainant has the burden of establishing that a respondent lacks rights or legitimate interests in respect of the disputed domain name, but this burden is light. It is sufficient in the first instance for Complainant to allege a prima facie case, and if the evidence presented is conclusive or yields a positive inference that Respondent lacks rights or legitimate interests, the burden shifts to Respondent to rebut the allegations. This concept of shifting burdens is clearly explained in Croatia Airlines d.d. v. Modern Empire Internet Ltd., Case Number D2003-0455 in which the Panel held that "[s]ince it is difficult to prove a negative ... especially where the Respondent, rather than complainant, would be best placed to have specific knowledge of such rights or interests—and since Paragraph 4(c) describes how a Respondent can demonstrate rights and legitimate interests, a Complainant's burden of proof on this element is light."

Once the complainant makes such a prima facie showing, "the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence rebutting the prima facie case or showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP," Malayan Banking Berhad v. Beauty, Success & Truth International, Case Number D2008-1393. Finally, "in the absence of direct evidence, complainant and the panel must resort to reasonable inferences from whatever evidence is in the record," Euromarket Designs, Inc. v. Domain For Sale VMI, Case Number D2000-1195. In this case, Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name, because the Respondent has no permission to use the BFORBANK trademark and in fact is not using the disputed domain name.

The Panel finds that the Complainant has set forth a prima facie case. Once the burden shifts, Respondent has the opportunity of demonstrating its right or legitimate interest by showing the existence of any of the following nonexclusive circumstances:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

If a respondent proves any of these circumstances or indeed anything else that shows it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the respondent must succeed. However, where respondent fails to respond, the Panel must assess the record before it.

Here, the choice of the domain name is confusingly similar to the trademark. Respondent merely adds letters and an additional hyphen and word. This does not create a distinctive term separate from the mark, but in fact reinforces the identity of the domain name and mark. Therefore, Respondent's default and its failure to rebut Complainant's evidence are particularly telling. Since there is no evidence to the contrary, the record supports the conclusion that Respondent lacks any right or legitimate interest as measured by the three circumstances of paragraph 4(c). See Deutsche Telekom AG v. Britt Cordon, Case No. D2004 -0487 (holding that "once a complainant establishes a prima facie case that none of the three circumstances establishing legitimate interests or rights applies, the burden of production on this factor shifts to the Respondent. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP). Similarly, in Malayan Banking Berhad, supra. (holding that "[i]f the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.").

Further, the evidence in the record is conclusive that Respondent LOUIS NONAC is not commonly known under the disputed domain name. See Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group, Case Number FA1804001781783 ("Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.”. The Panel therefore finds under Policy 114(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy 114(c)(ii)"); Amazon Technologies, Inc. v. Suzen Khan / Nancy Jain / Andrew Stanzy, Case Number FA 1741129 (finding that respondent had no rights or legitimate interests in the disputed domain names when the identifying information provided by WHOIS was unrelated to the domain names or respondent's use of the same).

Accordingly, as the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name, Complainant has satisfied Paragraph §4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith, §4(a)(iii)

Having determined that Respondent lacks rights or legitimate interests, the Complainant must then prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith. The consensus is expressed in WIPO Overview 3.1, section 3.1.4. is that "the mere registration of a domain name that is identical or confusingly similar . . . to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." Particularly probative in this case is that there is no mistaking that the disputed domain name calls to mind the Complainant’s mark. Absent a cogent explanation from Respondent justifying its choice of domain name, this supports the conclusion that it registered <bforbk-prive.com.> with the purpose of taking advantage of its goodwill and reputation and committing fraud on consumers and Complainant's clients.

The Panel finds that the present case is one in which the presumption of bad faith is satisfied. The presumption is further strengthened by the strong inference of Respondent's actual knowledge of Complainant's and its BFORBANK trademark and of its intention to take advantage of its attractive value on the Internet solely for the reason of its goodwill flowing from its widely known or famous brand. Paragraph 4(b) of the Policy sets out four nonexclusive circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive.

The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's 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 site or location.

Of the four circumstances, the fourth most readily applies as the domain name is clearly intended to attract Internet users seeking to reach Complainant's website or purchase its products and services. The domain name in this case resolves to a blank page.

Telstra Corporation Limited v. Nuclear Marshmallows, Case No. D2000-0003 ; also National Football League v. Thomas Trainer, Case No. D2006-1440 (<nflnetwork.com>, holding that "when a registrant, such as respondent here, obtains a domain name that is [confusingly similar to a] famous mark, with no apparent rights or legitimate interests in the name, and then fails to respond to infringement claims and a UDRP Complaint, an inference of bad faith is warranted.").

Where the facts demonstrate an intent to capitalize on an owner's mark in the manner in which Complainant describes and which is supported by proof in the record, the registration is prima facie abusive. See Credit Industriel et Commercial v. Domains By Proxy LLC / Stefano Claudio Pier, Case No. D2021-4323. Also WIPO Overview 3.1 Sec. 3.1.4: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith."

Finally, Complainant proffered evidence of MX configuration. While there is no proof of fraudulent use, it nevertheless raises an issue that the disputed domain name could be used to target the Complainant or its customers. See Conféderation Nationale du Crédit Mutuel and Crédit Industriel et Commercial v. Khodor Dimassi, WIPO Case No. D2016-1980 “given the confusing similarity between the disputed domain name and the Complainant’s trademark, the Respondent could eventually impersonate the Complainant to its detriment, such as, e.g., undertaking a campaign of commercial email with messages containing spam or phishing attempts.

The Panel finds that the Complainant has shown that the Respondent registered and is using the disputed domain name in bad faith both in general and in particular because the Respondent's conduct puts the case squarely within paragraph 4(b)(iv) as well as within the larger notion of abusive conduct. The Panel finds that the Complainant has adduced more than sufficient evidence to prove the Respondent's bad faith based on the foregoing considerations.

Accordingly, the Panel finds that Respondent has registered and used the disputed domain name in bad faith and that its conduct firmly supports the conclusion that the registration of <bforbk-prive.com> was abusive. Having thus demonstrated that the Respondent registered and is using the contested domain name in bad faith, the Complainant has also satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bforbk-prive.com**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2026-05-25

Publish the Decision