

ADMINISTRATIVE PANEL DECISION

Sopra Steria Group v. Maira Consenso
Case No. D2023-4390

1. The Parties

The Complainant is Sopra Steria Group, France, represented by Herbert Smith Freehills Paris LLP, France.

The Respondent is Maira Consenso, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <soprabank.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 23, 2023. On October 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 24, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On November 27, 2023, the proceeding was suspended upon the Complainant’s request. On December 4, 2023, the Complainant filed an amended Complaint, and the proceeding was reinstated on December 7, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 12, 2023.

In accordance with the Rules, paragraph 5, the due date for Response was January 1, 2024. The Respondent sent email communications to the Center on December 13 and December 14, 2023. The Response was also filed with the Center on December 14, 2023. On December 26, 2023, the proceeding

was suspended until January 25, 2024, upon the Complainant's request. On January 29, 2024, the Complainant requested extension of the suspension, and the suspension was extended to February 28, 2024. On March 4, 2024, the Complainant requested further extension of the suspension, and the suspension was extended to April 3, 2024. On April 8, 2024, the proceeding was reinstated.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on April 15, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant was established in September 2014 as the result of the merger of Sopra Group SA and Groupe Steria SCA, companies that had been founded in 1968 and 1969, respectively.

The Complainant provides consulting and information technology services, as well as software publishing, operating in France, Benelux, Spain, Italy, United Kingdom, Switzerland, Singapore, India, North Africa, and Hong Kong, China. One of the Complainant's subsidiaries is Sopra Banking Software which develops and distributes software for the financial services market and which was incorporated in 2010, currently servicing more than 800 banks in 70 countries (Annex 6 to the Complaint).

The Complainant is the owner of the following, amongst others, trademark registrations:

- French trademark registration No. 92416410 for the word mark SOPRA., registered on April 16, 1992, successively renewed, in classes 9, 16, 35, 41 and 42;
- European Union trademark registration No. 003233335 for the word mark SOPRA, registered on February 3, 2005, successively renewed, in classes 9, 16, 35, 38, 41 and 42;
- International trademark registration No. 1163226 for the word mark SOPRA registered on April 8, 2013, successively renewed, in classes 9, 16, 35, 36, 38, 41 and 42; and
- European Union trademark registration No. 018271180 for the word mark SOPRA BANKING SOFTWARE, registered on December 11, 2020, in classes 9, 16, 35, 38, 41 and 42.

The Complainant is also the registrant of the domain names <soprabanking.com> and <soprabanking.net>.

The disputed domain name was registered on August 12, 2023 and, according to the evidence submitted by the Complainant, redirected Internet users to the website available at a domain name <tiers.app> allegedly operated by Tiers, Inc. claiming to be awaiting "a letter of no objection from the Central Bank of Kenya." The website included a header "Tiers | Neobank in Africa" and offered money transfer services.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name reproduces the entirety of the SOPRA trademark with the addition of the term "bank" which does not prevent a finding of confusing similarity thereof and quite to the contrary is associated with the Complainant in view of the Complainant's SOPRA BANKING SOFTWARE trademark and the Complainant's subsidiary, Sopra Banking Software, activities.

Furthermore, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name given that:

- (i) The Complainant has not granted any license to the Respondent to use the SOPRA trademark, nor has it authorized the Respondent to register or use the disputed domain name;
- (ii) No third-party entity is known in the course of business under the disputed domain name or is the registered holder of any trademark for “sopra bank”; and
- (iii) The redirection of the disputed domain name to the website purportedly offering banking services cannot justify a bona fide offering of goods or services, especially considering that false information is contained therein (Annexes 10-14).

As to the Respondent’s bad faith, the Complainant asserts that the Respondent targeted the Complainant’s well-known trademark when registered the disputed domain name which is undoubtedly used in bad faith to divert Internet users for fraudulent purposes, being operated by a company that appears to have no real legal existence and pretends to offer regulated banking services although it does not hold the necessary licenses.

B. Respondent

On December 13, 2023, the Respondent sent a first email communication to the Center indicating that the disputed domain name was listed for sale at “www.dan.com/orders/1861919665a2fd48/checkout”¹ and inquiring whether the Complainant wanted to negotiate.

On December 14, 2023, the Respondent submitted its Response stating that “the Complainant tries to take a domain by force with false allegations” given that the disputed domain name “was reserved for legitimate use as a personal blog about strategic planning for banks. In Portuguese, the word “sopra” means “blow”, such as in “wind blow”. The personal blog will help the domain owner, Maira (an individual), promote her freelancing services in strategic planning analysis for banks. Like a wind blow, the blog will blow banks (“soprar bancos” in Portuguese) with information about strategic planning analysis.”

The Respondent further stated that the disputed domain name redirected to a website of Tiers Inc., a company where the Respondent “did some freelancing work and which has plans to launch an “app” in Kenya. Lastly, the Respondent affirms that she is willing to sell the disputed domain name to the Complainant for a “fair amount.”

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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 in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

¹ The Panel accessed such link on April 25, 2024, and the price being asked for the disputed domain name was USD 1,270.00

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily 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 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark SOPRA is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the SOPRA mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms ("bank") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the SOPRA mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

As seen above, the Respondent states that the disputed domain name "was reserved for legitimate use as a personal blog about strategic planning for banks", having selected the word "sopra" from the Portuguese language given that it would mean "blow", such as in "wind blow" and that "[l]ike a wind blow, the blog will blow banks ("soprar bancos" in Portuguese) with information about strategic planning analysis."

Such claim does not seem credible under the Panel's view given that the Portuguese word for "blow" is "sopro" (with an "o") and not "sopra" (with an "a"). In the event the Respondent would have really wanted to refer to the verb "to blow", then it should have chosen "soprar", with an "r" at the end.

Therefore, given the use made of the disputed domain name redirecting to a website that advertises a banking app, this Panel is convinced that the Respondent was targeting the Complainant and its subsidiary, Sopra Banking Software, that provides software to banks. A further element to be taken into account for this conclusion, as seen below, is the Respondent's offer to sell the disputed domain name for an amount that likely exceeds the Respondent's out-of-pocket expenses in registering it.

Furthermore, the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The registration and use of the disputed domain name in bad faith can be found in the present case in view of the following circumstances:

- (i) the well-known status of the Complainant's trademark (as already recognized in past UDRP panels decisions, such as in *Sopra Steria Group v. 于青青 (Yu Qing Qin)*, WIPO Case No. [D2023-1372](#)) and the nature of the disputed domain name;
- (ii) the offer for sale of the disputed domain name for an amount that likely exceeds the Respondent's out-of-pocket expenses in registering it;
- (iii) the Respondent's choice to retain a privacy protection service so as to conceal its true identity.

Based on the available record, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website at the disputed domain name, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the website.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <soprabank.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: April 29, 2024