Decision for dispute CAC-UDRP-100685

Case number	**CAC-UDRP-100685**
Time of filing	**2013-10-17 10:16:21**
Domain names	**creditagricolee.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**CREDIT AGRICOLE SA**

Complainant representative

Organization	**Nameshield (Laurent Becker)**

Respondent

Name	**Elie Eric**

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 - a well known French bank - is the registered owner of several international trademarks (IR marks) consisting of or including the expression <CREDIT AGRiCOLE>. Among those registered IR marks there is one word mark (Crédit Agricole) and two word/figurative marks which contain the wording <CREDIT AGRICOLE>.

The Complainant also registered various domain names incorporating the expression <CREDIT AGRICOLE> under a vast selection of major top-level domains.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

A. The Complainant’s trademark “CREDIT AGRICOLE” is a widely known trademark. Panels have confirmed the notoriety of the trademark “CREDIT AGRICOLE”.

See WIPO case No. D2010-1683 Credit Agricole S.A. v. Dick Weisz

See WIPO case No. D2012-0258 Credit Agricole S.A. v. Wang Rongxi

B. Complainant’s contended main factual grounds:

According to the Complaint, Crédit Agricole SA is the leader in retail banking in France and one of the largest banks in Europe, which can be seen at its website “www.credit-agricole.com”.

Crédit Agricole SA owns several registered trademarks (word and word/figurative trademarks) which include the wording “Credit Agricole”. Submitted evidence: WIPO Madrid registration form.

Crédit Agricole SA also owns several domain names which include the wording “Credit Agricole”. Submitted evidence: Whois database registration form.

The Complainant states that the disputed domain name was registered on September 9th, 2013.

On October 9th, 2013 the Complainant sent a cease and desist letter to the e-mail address “abdellahsolo@gmail.com”. Submitted evidence: Cease and desist letter. The Complainant asserts that the stated e-mail address belongs to the Respondent. There was no response provided to the cease and desist letter.

On November 17th, 2013 the Complaint was submitted by the Complainant's authorised representative (Nameshield).

No Response was filed by the Respondent.

C. Complainant’s contended main legal grounds:

I. The Complainant alleges that the disputed domain name <creditagricolee.com> is confusingly similar to its registered IR trademarks.

Reasons forwarded:
The disputed domain name
- is phonetically, optically and conceptually similar,
- contains the Complainant’s registered trademark (CREDIT AGRICOLE) in its entirety,
Also, the addition of the letter “e” and the GTLD “.com” is not sufficient to escape the finding that the domain name is confusingly similar to its trademarks; it does not change the overall impression that the disputed domain is being connected to a trademark of “Crédit Agricole”; it does not avoid the likelihood of confusion between the disputed domain name <creditagricolee.com> and the Complainant, his trademark CREDIT AGRICOLE and his domain names associated.

II. The Complainant alleges further that the Respondent has no rights or legitimate interest in the disputed domain name.

Reasons forwarded:
The Respondent
- is not affiliated with Crédit Agricole, nor authorised by Crédit Agricole SA in any way,
- is not related in any way to the Complainant’s business,
- does not carry out any activity for the Complainant, nor has any business with the Complainant,
- did not provide response to the pending Complaint.
Also, the domain name displays no information (inactive website).

III. In additiion the Complainant alleges that the disputed domain name has been registered and is being used in bad faith.

Reasons forwarded:
The Complainant’s registered brands are well known; the domain name was only registered for the purpose of misleading and diverting inter-net traffic (typosquatting).

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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

According to paragraph 4(a) of the Policy the Complainant must prove for the requested transfer of the disputed domain <creditagricolee> under the top-level domain (dot) com that

(i) the 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 to the domain name; and
(iii) the domain names has been registered and is being used in bad faith.

Without a doubt the Complaint complies with all these requirements:

1. The Panel recognises according to the evidence submitted with the Complaint that the Complainant has well recognised rights in its registered IR marks of which all the expression CREDIT AGRICOLE is an integral part. As such there can be no question but that the domain name <creditagricolee.com> is confusingly similar to the Complainant's <CREDIT AGRICOLE> trademarks. Respondent's domain name incorporates in its entirety the expression <CREDIT AGRICOLE>. Only the letter <e> is added. Hence, the disputed domain name is even almost identical and not just similar.

2. The absence of any response from the Respondent or other information indicates that the Respondent has no legitimate rights or interests in the domain name <creditagricolee.com>.

3. Given the lack of a Response the Panel can only conclude that the domain name <creditagricolee.com> was registered in bad faith. The fact that there was only the letter "e" added to the Complainant's trademark indicates very strongly that this happened only in the hope that someone would make a typo and get to the Respondent's inactive website unexpectedly. This will quite likely confuse the users or business partners about the identity of the entity behind the domain name. Also the wrong postal address confirms that the domain name has been registered in order to create a likelihood of confusion for only getting commercial gains.

4. The Panel accepts the Complainant's submissions and finds, in the absence of any evidence to the contrary, that the Respondent has to transfer 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. **CREDITAGRICOLEE.COM**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2013-11-30

Publish the Decision