Decision for dispute CAC-UDRP-100717

Case number	CAC-UDRP-100717
Time of filing	2013-12-03 12:08:12
Domain names	creditagricolenord.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	IVAN RIO

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant owns, inter alia:

- International Registration no. 1064647 CREDIT AGRICOLE registered on January 4, 2011
- International Registration no. 441714 CREDIT AGRICOLE & device registered on October 25, 1978
- International Registration no. 525634 CA CREDIT AGRICOLE & device registered on July 13, 1988

FACTUAL BACKGROUND

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

CREDIT AGRICOLE S.A. is one of the largest banks in Europe. CREDIT AGRICOLE S.A. assists its clients' projects in France and around the world in all areas of banking and trades associated with it. The Complainant owns several trademarks registered worldwide and consisting of or including the wording CREDIT AGRICOLE. CREDIT AGRICOLE S.A. also owns several domain names including the distinctive wording CREDIT AGRICOLE. The disputed domain name <creditagricolenord.com> has been registered on November 19, 2013. In the Complainant's view the disputed domain name <creditagricolenord.com> is confusingly similar with its trademark "CREDIT AGRICOLE". Therefore, on November 25, 2013, a

cease-and-desist letter was sent by the Complainant to the Respondent in order to react against the registration of the domain name in dispute. The Respondent never replied to the cease-and-desist letter. In the Complainant's view the disputed domain name <creditagricolenord.com> is confusingly similar to the trademark "CREDIT AGRICOLE" since said domain name contains the Complainant's registered and widely known trademark "CREDIT AGRICOLE" in its entirety. The Complainant contends that the addition of the geographic term NORD is not sufficient to escape the finding that the domain is confusingly similar to the Complainant's trademark. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant's trademark "CREDIT AGRICOLE" is a widely known trademark. Previous Panels have confirmed the notoriety of the trademark "CREDIT AGRICOLE" (Credit Agricole S.A. v. Dick Weisz, WIPO case no. D2010-1683; Credit Agricole S.A. v. Wang Rongxi, WIPO case no. D2012-0258; Credit Agricole S.A. v. EMPARK – 87223444, CAC case no. D100688; Credit Agricole S.A. v. Hildegard Gruener, CAC case no. D100687 and Credit Agricole S.A. v. Credit Agricole Assurance, CAC case no. 100633). Given the distinctiveness and reputation of the Complainant's trademark it is reasonable that the Respondent has registered the domain name with full knowledge of the Complainant's marks and uses it for the purpose of misleading and diverting Internet traffic. Furthermore, the correspondent website consists of a simple parking page with “pay per click” links in relation with banking activities. Therefore, the Complainant believes that the Respondent holds the domain name only in order to disturb the Complainant’s business. Actually, said domain name is used to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's mark. The Complainant therefore requests the transfer of the disputed domain name.

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

1) The Panel is satisfied that the Complainant has rights in the "CREDIT AGRICOLE" trademark. Actually, the above mentioned trademark is fully incorporated in the disputed domain name along with the term NORD. Nord is an Italian and French word which corresponds to the English word "North". In the Panel's view Nord is perfectly understandable as the geographic term "North" by almost every internet user. The top level domain “.com” may be disregarded for the purposes of comparison, as is customary in cases under the Policy. Numerous previous Panels have found that where a distinctive trademark is incorporated in its entirety within a domain name, the addition of a geographic term will generally not distinguish that domain name from the trademark (Koninklijke Philips Electronics NV v. Gopan P.K., WIPO Case No. D2001-0171 and Google Inc. v. Google Adwords Service at HCMC Vietnam, WIPO Case No. D2013-0298). In the present case, the Panel considers that the dominant and distinctive element of the disputed domain name is the Complainant’s well-known

"CREDIT AGRICOLE" trademark. The addition of the word NORD to said trademark appears irrelevant in the comparison of the signs at issue. In these circumstances, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

2) The Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it is not commonly known under the disputed domain name and was never authorized to use the domain name by the Complainant. The Respondent, in the absence of any Response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain name.

3) The disputed domain name was registered by the Respondent on November 2013, almost 35 years after the mark "CREDIT AGRICOLE" was registered for the first time with WIPO by the Complainant. The Complainant has used the "CREDIT AGRICOLE" trademark worldwide and so intensively that is impossible to believe that Respondent had no knowledge of the Complainant's trademark rights at the time of registration of the disputed domain name. In addition, given the distinctive trademark at stake, which has a very high grade of recognition on a worldwide basis, it is inconceivable that the disputed domain name had been registered by the Respondent without having in mind the Complainant's trademark. Therefore, in the Panel's view, the domain name <creditagricolenord.com> was registered in bad faith. Furthermore, the Respondent's use of a parking page associated with the disputed domain name <creditagricolenord.com> and which provides click-through opportunities is an action taken by Respondent to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's "CREDIT AGRICOLE" mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website. Previous Panels have held that using the domain name as a parking page with pay-per-click links to third party websites may be evidence of bad faith when the registrant is using the domain name in this manner because of the similarity to the Complainant's trademark in the hope and expectation that the similarity will lead to confusion on the part of Internet users and results in an increased number of Internet users being drawn to that domain name parking page (MpireCorporation v. Michael Frey, WIPO Case No. D2009-0258; Paris Hilton v. Deepak Kumar, WIPO Case No. D2010-1364 and La Fee v. Pavol Icik, WIPO Case No. D2013-0526).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDITAGRICOLENORD.COM**: Transferred

PANELLISTS

Name	**Avv. Guido Maffei**

DATE OF PANEL DECISION 2014-01-16

Publish the Decision