Decision for dispute CAC-UDRP-100729

Case number	CAC-UDRP-100729
Time of filing	2013-12-23 14:11:17
Domain names	creditagricoles.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	TCTN

IDENTIFICATION OF RIGHTS

The Complainant has registered among others the IR Trademark "Credit Agricole" (No. 1064647) for banking services.

FACTUAL BACKGROUND

The following facts are asserted by the Complainant and not contested by the Respondent (see WIPO case No. D2010-1683 Credit Agricole S.A. v. Dick Weisz; WIPO case No. D2012-0258 Credit Agricole S.A. v. Wang Rongxi):
CREDIT AGRICOLE S.A. is a leading retail bank in France and one of the largest banks in Europe. The Complainant owns several trademarks including the distinctive wording CREDIT AGRICOLE ®.
The disputed domain name <creditagricoles.com> has been registered on December 12, 2013. It was since then used for some time within a parking page with the “pay per click” links related to banking services.

On December 17, 2013, a cease-and-desist letter has been sent to the Respondent by email (at: tapchitenmien@gmail.com) to inform him about the Complainant’s opinion about the content of its website related to its trademarks CREDIT AGRICOLE ®.
The Respondent, in his informal response, has not contested the similarity between the trademark and the domain name. Furthermore, he has not justified any legitimate interest in using the disputed domain name. Finally, he has tried to concede the domain name in exchange of a financial compensation by writing: "Thank you for your interest in my domain, under the provisions of the domain name registration in advance who will be front and registration of ownership of the brand is not on the internet (domain name) if your customers want to buy the domain name, can I transfer

them if they offered a reasonable cost, I will not respond to any mail regarding the return of your domain name. Thanks". After the Respondent received the letter, he changed the WhoIs.

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). The disputed domain name contains the Complainant's registered and widely known trademark CREDIT AGRICOLE ® in its entirety. The addition of letter "S" and the gTLD ".COM" is not sufficient to escape the finding that the domain is confusingly similar to the trademarks and does not change the overall impression of the designation as being connected to a trademark of CREDIT AGRICOLE ®.

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). The Respondent is not affiliated with nor authorized by CREDIT AGRICOLE S.A. in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Respondent has no rights in relation to the expression CREDIT AGRICOLE ®. Indeed, the Respondent has no trademark or trade name containing these terms; thus, it is not known under this expression. Furthermore, in its response to the cease-and-desist letter, the Respondent has not justified any legitimate interest in respect of the domain name.

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). The Respondent has been keeping the domain name with a parking page including "pay per click" links related to banking services. The Respondent thus uses the disputed domain name in an attempt to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's trademark (see Paris Hilton v. Deepak Kumar, WIPO Case No. D2010-1364, <parishiltonheiress.com>). Finally, the Respondent has tried to concede the domain name in exchange of a financial compensation. That fact shows that he is trying to make business about the disputed domain name registration.

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

In the absence of a formal response, there are no indications for a legitimate interest of the Respondent in using the substantially similar domain name. The Domain Name in question has been registered and is being used in bad faith. The Respondent has been keeping the domain name with a parking page including "pay per click" links related to banking services. The Respondent uses thus the disputed domain name in an attempt to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's trademark. Finally, the Respondent has tried to concede the domain name in exchange of a financial compensation. That fact shows that he is trying to make business as regards the disputed domain name registration.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDITAGRICOLES.COM**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2014-01-30

Publish the Decision