Decision for dispute CAC-UDRP-100797

Case number	CAC-UDRP-100797
Time of filing	2014-05-15 11:28:19
Domain names	ssgciib.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	SOCIETE GENERALE S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	Afs Inc (Afiandi Benson)

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

International Mark No. 819196 SG-CIB
French Mark No. 3223419 SG-CIB
French Mark No. 3223420 SGCIB

FACTUAL BACKGROUND

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

Founded in 1864, the Complainant, Société Générale S.A., is a French multinational banking and financial services company headquartered in Paris. The company is split into three main divisions, Retail Banking and Specialized Financial Services, Corporate and Investment Banking (Derivatives, Structured Finance and Euro Capital Markets), and Global Investment Management and Services.

As a subsidiary of the Bank, Société Générale Corporate & Investment Banking revolves around three main activities: investment banking, financing and markets. With nearly 12,000 employees in 34 countries, SG CIB is present in the main financial markets with extensive European coverage and representative offices in Central and Eastern Europe, the Middle

East and Africa, the Americas and Asia-Pacific.

The Complainant is the owner of the registered trademarks set out above. The Complainant also owns and communicates on the Internet through various websites in the worldwide. The main one for the CIB division is at www.sgcib.com (registered on 23/02/2000), but the Complainant has also registered numerous other domain names similar to its trademark SGCIB.

The disputed domain name <ssgciib.com> was registered by the Respondent on April 13, 2014.

The Respondent is not related in any way with the Complainant's business, is not affiliated with it nor authorized by it in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither licence nor authorization has been granted to the Respondent to make any use, or apply for registration of the disputed domain name by the Complainant.

The Respondent is not known as "SSGCIIB", according to the information provided by the whois for the disputed domain name. The website in relation with the disputed domain name <ssgciib.com> has been inactive since its registration.
The expression SGCIB is only known in relation with the Complainant. A Google search on this wording displays several results, all of them being related to the Complainant.

The Respondent has also registered the domain name <tcnbk.com> which is similar to that used by Town Country National Bank for its website at www.tcnbank.com.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The disputed domain name "SSGCIIB.COM " is confusingly similar to the Complainant's registered trademarks because it consists of a common typographical error in which the person typing the word "SGCIB" includes one extra "S" and one extra "I" combined with the generic top-level domain ".COM". Without doubts the simple fact of doubling both letters "S" and "I" does not avoid the likelihood of confusion between the disputed domain name and the Complainant's trademarks SGCIB and domain names associated. This is a clear case of typosquatting.

Accordingly, 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

According to the settled case-law the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests under paragraph 4(a)(ii) of the Policy. Once such prima facie case is made, the burden of demonstrating rights or legitimate interests in the disputed domain name shifts to the Respondent to show he does have such rights or legitimate interests. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Complainant confirms that the Respondent has no rights or legitimate interests in respect of the domain name and he is not related in any way with the Complainant's business. Moreover, the Complainant states that the Respondent is not affiliated with him nor authorized by him in any way and that the Complainant does not carry out any activity for, nor has any business with the Respondent. Furthermore, the Complainant claims that neither licence nor authorization has been granted to the Respondent to make any use, or apply for registration of the disputed domain name by the Complainant. According to the information provided by the WHOIS database, the Respondent is not known as "SSGCIIB".

For the Respondent has made no attempt to show he does have rights or legitimate interests in the disputed domain name

and the Complainant's assertions are sufficient to constitute a prima facie case, 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 website in relation with the disputed domain name "SSGCIIB.COM" is inactive. The Panellist when trying to go to the web page "SSGCIIB.COM" has not found any associated web page nor a web page in preparation or one which is aimed at commercial trading, but rather an inactive web page just as the Complainant has proved, thereby submitting as evidence a screen which the server yield upon an attempt to access that page. As has been stated in several UDRP decisions, inactivity or passive holding can be regarded as "use" in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

Moreover, given the distinctiveness of the Complainant's trademark and reputation and the absence of any other explanation for the registration of the disputed domain name, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's marks primarily for the purpose of selling it to the Complainant or a competitor of the Complainant for valuable consideration in excess of its out-of-pocket costs.

In accordance with paragraph 4(b)(i) of the UDRP these circumstances constitute evidence that the disputed domain name was registered and is being used in bad faith. There is no material on the file displacing this presumption. The Panel accordingly finds that the disputed domain name was registered and is being used in bad faith.

For all the reasons mentioned above, 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

This is a clear case of typosquatting in relation to an unusual and distinctive mark by a registrant with no connection with the disputed domain name. The Panel infers that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant or a competitor of the Complainant for valuable consideration (UDRP Art 4(b)(i)).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SSGCIIB.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2014-06-24

Publish the Decision