Decision for dispute CAC-UDRP-101205

Case number	CAC-UDRP-101205
Time of filing	2016-04-12 10:43:02
Domain names	email-credit-agricole-secure.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	CRÉDIT AGRICOLE INFO

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following trademarks:

(i) International Trade Mark No. 1064647 CREDIT AGRICOLE registered on 4 January 2011;
(ii) International Trade Mark No. 525634 CREDIT AGRICOLE logo registered on 13 July 1988;
(iii) International Trade Mark No. 441714 CREDIT AGRICOLE logo registered on 25 October 1978;
(iv) EU Trade Mark No. 006456974 CREDIT AGRICOLE filed on 13 November 2007;
(v) EU Trade Mark No. 005505995 CREDIT AGRICOLE logo filed on 20 November 2006;

The disputed domain name was registered on 3 April 2016, i.e. the Complainant's trademarks predate the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant is a leading French bank providing banking and other financial services under the trade mark CREDIT

AGRICOLE which it has registered as an international trade mark and as an EU trade mark.

The Respondent is not connected with the Complainant and has not been authorised by the Complainant to register or use the disputed domain name or any other name containing the Complainant's CREDIT AGRICOLE trade mark.

The disputed domain name has not been used for any active website.

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

The domain name is confusingly similar to the Complainant's registered trademark "CREDIT AGRICOLE", from which it differs only in the addition of generic elements, namely "email", "secure" and ".com" and hyphens separating words. Many members of the public would assume that the domain name refers to an email service authorised by the Complainant.

The Respondent has not made any bona fide offering of goods or services or any demonstrable preparations for such an offering. Nor is he making any legitimate non-commercial or fair use of the domain name. Nor is he commonly known by the domain name or any corresponding name; the only use which the Respondent appears to have made of any such name is in the registration of the domain name itself behind a privacy service so that it was not accessible to the public. He is not connected with the Complainant or authorised by it to use the domain name. The Panel is satisfied that there is no other basis on which the Respondent could claim any right or legitimate interest in the domain name.

In accordance with paragraph 14 (b) of the Rules, the Panel is entitled to draw appropriate inferences from the Respondent's failure to submit a Response. The Panel infers from the absence of a response that the Respondent had no good reason for registering and using the disputed domain name, which incorporates the Complainant's very well-known mark and is liable to be confused with it, and that the Respondent's purpose is to take unfair advantage of the Complainant's reputation under the mark in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **EMAIL-CREDIT-AGRICOLE-SECURE.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2016-05-19

Publish the Decision