Decision for dispute CAC-UDRP-101246

Case number	CAC-UDRP-101246
Time of filing	2016-07-19 10:43:57
Domain names	mcredit-agricole.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Michel Valdes

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

Registered trademarks, including EUTM No. 6456974 “CREDIT AGRICOLE” filed on November 11, 2007 registered for goods and services in classes 9, 16, 35, 36, 38 and 42.

FACTUAL BACKGROUND

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

The Complainant (i.e. CREDIT AGRICOLE S.A.) claims it is the leader in retail banking in France and one of the largest banks in Europe.

The disputed domain name was registered on July 3, 2016 (i.e. years after the registration of Complainant’s trademarks).

Parties' Contentions

The Complainant contends that that the disputed domain name is confusingly similar to trademarks in which it has

registered rights.

Furthermore, the Complainant states it has not granted any licence, consent or authorisation to the Respondent to use its trademarks “CREDIT AGRICOLE” in a domain name or in any other manner, nor acquiesced in any such use. The Complainant claims that the Respondent did not use the domain name prior to its registration and is not commonly known by it. Furthermore, the Complainant states the website in relation with the disputed domain name displays a registrar parking page containing pay-per-clicks links related to Complainant’s similar activity which is not to be considered bona fide offering of goods or services.

Finally, the Complainant asserts that Respondent has registered and is using the disputed domain name in order to attempt to attract for commercial gain, Internet users to the Respondent’s website which displays a registrar parking page containing pay-per-clicks links related to Complainant’s similar activity by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website.

Moreover, given the distinctiveness of the Complainant's trademarks and reputation, according to the Complainant it is reasonable to infer that the Respondent has registered the domain names with full knowledge of the Complainant's trademarks.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 disputed 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 disputed 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 finds that the disputed domain name is confusingly similar to the Complainant's trademarks “CREDIT AGRICOLE” as the disputed domain name contains such trademarks in their entirety with the addition of the letter "m" at the beginning and the hyphen between "credit" and "agricole", which are insignificant to the overall impression.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's well-known trademarks “CREDIT AGRICOLE” in mind when he registered the disputed domain name, which was therefore registered in bad faith. The disputed domain name resolves to a website which displays a registrar parking page containing pay-per-clicks links related

to third party activities which are similar to those of the Complainant, which constitutes use of the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MCREDIT-AGRICOLE.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2016-08-22

Publish the Decision