Decision for dispute CAC-UDRP-101249

Case number	CAC-UDRP-101249
Time of filing	2016-07-28 10:33:01
Domain names	FRANCE-CREDIT-AGRICOLE.COM

Case administrator

Name	Nikola Balaš (Case admin)

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Frederik Hermansen

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The complainant is the owner of trademarks currently valid and in force for CREDIT AGRICOLE in France and in other countries since at least February 27, 1989.

FACTUAL BACKGROUND

The Complainant is the leader in retail banking in France and one of the largest banks in Europe.

The Complainant assists its clients' projects in France and around the world, in all areas of banking and trades associated with it, such as insurance management asset leasing and factoring, consumer credit, corporate and investment.

The Complainant owns several trademark registrations consisting of, or including, CREDIT AGRICOLE, covering the European Union and other countries.

The Complainant is also the owner of the domain name <credit-agricole.com>.

The disputed domain name <france-credit-agricole.com> was registered on July 12, 2016 and is currently not used in

connection with an active web site.

PARTIES CONTENTIONS

The Complainant asserts that its trademark CREDIT AGRICOLE is widely known and highlights that prior panels have confirmed the well known character of the trademark.

The Complainant states that the disputed domain name is confusingly similar to its trademark since it incorporates the trademark CREDIT AGRICOLE in its entirety with the addition of the word "France" (intersected by a hyphen), that does not change the overall impression of the designation as being connected to the trademark CREDIT AGRICOLE.

The Complainant asserts that the Respondent does not have any rights or legitimate interest in the disputed domain name since the Respondent is not affiliated with nor authorized by the Complainant in any way, and does not carry out any activity for, nor has any business with the Complainant. The Complainant also states that the Respondent's lack of rights or legitimate interests in the disputed domain name is highlighted by the fact that the disputed domain name resolves to an inactive page.

It also highlights that according to established precedents, the complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests and that, once such prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant contends that, given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's mark. Further, the complainant contends that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

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 finds that the disputed domain name <france-credit-agricole.com> is confusingly similar to the Complainant's earlier trade mark "CREDIT AGRICOLE". The Panel considers that the addition of a country name (in this case, "France") does not alter this conclusion.

2. Respondent cannot prove any use of the disputed domain name in connection with a bona fide offering of goods or services. The Respondent is obviously not commonly known by the domain name and he is not making legitimate non-

commercial or fair use of it. There appears to be no other basis on which the Respondent could claim any rights or legitimate interests.

In the absence of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. It appears from the record that the Respondent deliberately targeted the Complainant's trademark when registering the disputed domain name. According to well established case law passive holding of a domain name deliberately incorporating a well known mark without a plausible legitimate use of the domain name amounts to “bad faith registration and use” in accordance with paragraph 4(b) of the Policy. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FRANCE-CREDIT-AGRICOLE.COM**: Transferred

PANELLISTS

Name	**Jose Checa**

DATE OF PANEL DECISION 2016-09-07

Publish the Decision