Decision for dispute CAC-UDRP-101338

Case number	CAC-UDRP-101338
Time of filing	2016-11-14 09:03:35
Domain names	creditagricole-sas.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	OrangeWebsite.com

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of many trademark registrations consisting of or containing the terms “CREDIT AGRICOLE”, in particular European Union word mark no. 006456974 filed on 13 November 2007 and registered on 23 October 2008 for goods and services in classes 9, 16, 35, 36, 38, 42. Moreover, it uses the domain name credit-agricole.com (created on 31 December 1999). The Complainant has also registered a number of further domain names containing the terms "CREDIT AGRICOLE", i.e. <creditagricole.com>, <credit-agricole.fr>, <creditagricole.fr>, <creditagricole.net>, <creditagricole.biz>, <creditagricole.org>, <creditagricole.info>.

FACTUAL BACKGROUND

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

The Complainant claims to be the leader in retail banking in France and one of the largest banks in Europe. First financing the French economy and major European player, it assists its clients' projects in France and around the world, in all areas of banking and trades associated with it: insurance management asset leasing and factoring, consumer credit, corporate and investment. It further results from the Complainant’s undisputed allegations that it owns several trademarks including the

terms CREDIT AGRICOLE and is also the owner of a domain name portfolio, including the same terms. The disputed domain name <creditagricole-sas.com> was registered on 29 October 2016 and is currently not used in connection with an active website.

The Complainant states that the disputed domain name is confusingly similar to its trademarks CREDIT AGRICOLE and domain names associated, because it contains the Complainant's registered and widely known trademark CREDIT AGRICOLE in its entirety. The Complainant contends that the addition of the generic word "SAS", in reference to the French Company legal form "Société par Actions Simplifiée", at the end of the disputed domain name, separated from the Complainant's trademark by a hyphen, and the use of the gTLD ".com", are not sufficient elements to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks and does not change the overall impression of the designation as being connected to the trademark CREDIT AGRICOLE.

In addition, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In particular, the Complainant alleges that it does not know the Respondent and that the latter is not affiliated with or authorized to register the disputed domain name by CREDIT AGRICOLE S.A. in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks CREDIT AGRICOLE, or apply for registration of the disputed domain names by the Complainant. Furthermore, the website to which the disputed domain name resolves, displays an inactive website with the text "the account has been suspended". According to the Complainant, it has been suspended by the hosting provider following an abuse phishing report from the Complainant.

According to the Complainant it is agreed that acts of phishing are known that does not constitute a bona fide offering of goods and services or a legitimate noncommercial or fair use.

Furthermore, the Complainant finds that the Respondent has registered the disputed domain name in bad faith and has used the disputed domain name to attract Internet users on its website by creating a likelihood of confusion with the Complainant's trademark as to source, affiliation or endorsement and thus acted in bad faith. In this regard, the Complainant contends that its trademarks CREDIT AGRICOLE are widely known and that past panels have confirmed the notoriety of these trademarks. Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain names with full knowledge of the Complainant's trademarks. The disputed domain name is confusingly similar to the Complainant's trademarks CREDIT AGRICOLE. The addition of the term SAS in reference of the French Company legal form "Société par Actions Simplifiée" in the disputed domain name increases the confusion, because it refers to a possible official Company website of the Complainant. Moreover, according to the Complainant's allegations, the website - to which the disputed domain name resolves - is inactive and has been suspended by the hosting provider following an abuse phishing report of the Complainant. According to the Complainant the Respondent is attempting to pass itself off as the Complainant by using its registered trademarks CREDIT AGRICOLE in violation of the Policy. Finally, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use. The disputed domain name has also been registered in an effort to take advantage of the goodwill Complainant had built up in its CREDIT AGRICOLE trademarks, and to unduly benefit from creating a diversion of the internet users of the Complainant by pretending to be an official website of the Complainant.

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 Panel finds that the disputed domain name <creditagricole-sas.com> is confusingly similar to the Complainant's trademark and company name, since it consists of the trademark CREDIT AGRICOLE followed by a hyphen and the term "SAS" which is a generic reference to the French Company legal form "Société par Actions Simplifiée", that is likely to increase the possibility of confusion amongst consumers given the fact that the Complainant enjoys world-wide reputation as it is one of the largest banks in Europe with its headquarters in France.

In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Respondent has no rights or legitimate interests in respect of the disputed domain name <creditagricole-sas.com>. In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. Moreover, the Respondent has not demonstrated any preparations to use the disputed domain name in connection with a bona fide offering goods or services. In this context the Panel notes that the website, to which the disputed domain name resolves, displays an inactive website with the text "the account has been suspended". According to the Complainant's allegations this website is a case of phishing. Nevertheless, the Complainant failed to prove that this website has been suspended by the hosting provider following an abuse phishing report of the Complainant. However, this allegation is irrelevant for the case at hand, since in the absence of any evidence to the contrary the Panel is convinced that the Respondent selected the disputed domain name with the intention to take advantage of the Complainant's reputation by registering a domain name fully containing the Complainant's trademark and trade name with the intent to attract Internet users for commercial gain.

Finally, the Panel finds that the disputed domain name has been registered and is being used in bad faith. The Respondent has intentionally registered the disputed domain name which totally reproduces the Complainant's widely known trademark CREDIT AGRICOLE. By the time the disputed domain name was registered, it is unlikely that Respondent did not have knowledge of the Complainant's rights on the trademark. Moreover, the addition of the term SAS in reference of the French Company legal form "Société par Actions Simplifiée" in the disputed domain name increases the confusion, because internet users will erroneously expect such a domain name to resolve to one of Complainant's official websites for the Complainant is in fact a French company with its headquarters in France. Registration of the disputed domain name in awareness of the reputed CREDIT AGRICOLE mark and in the absence of rights or legitimate interests in this case amounts to registration in bad faith. Furthermore, the disputed domain name does not resolve to an active website. In this regard, the Panel notes that passive holding does not preclude a finding of bad faith. In the Panel's view, the above facts confirm that the domain name is used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location, or of a product or service on the Respondent's web site or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDITAGRICOLE-SAS.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2016-12-19

Publish the Decision