Decision for dispute CAC-UDRP-101376

Case number	CAC-UDRP-101376
Time of filing	2016-12-06 10:31:31
Domain names	credit-agrcole.info, messagrie-credit-agricole.com, credit-agricole-message.com, pro-credit-agricole.com, credit-agricole-mails.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	LINA MARIA

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

The Complainant uses the domain name <credit-agricole.com> which is the official web site of the Complainant. The Complainant is also the owner of the trademark for the name CREDIT AGRICOLE <word> (International trademark registration no. 1064647, in classes 9, 16, 35, 36, 38 and 42, priority 4 January 2011, designating AL and UA).

FACTUAL BACKGROUND

The Complainant is a company which is the leader in retail banking in France and one of the largest banks in Europe. The Complainant uses the domain name <credit-agricole.com> as its official website for assisting its clients' projects in France and around the world in all areas of banking and trades associated with it.

The Respondent registered the disputed domain names <credit-agrcole.info>, <messagrie-credit-agricole.com>, <credit-agricole-message.com>, <pro-credit-agricole.com> and <credit-agricole-mails.com> on 25 November 2016.

The domain names <messagrie-credit-agricole.com>, <credit-agricole-message.com>, <pro-credit-agricole.com> and <credit-agricole-mails.com> are currently redirecting to the same website <credit-agrcole.info>. All the above mentioned domain

names are disputed by the Complainant.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 names <credit-agrcole.info>, <messagrie-credit-agricole.com>, <credit-agricole-message.com>, <pro-credit-agricole.com> and <credit-agricole-mails.com> are confusingly similar to the Complainant's trademark "CREDIT AGRICOLE" and the Complainant's domain name <credit-agricole.com>.

The disputed domain name <credit-agrcole.info> is seen as an intentional misspelling of the Complainant's rights in regards to the deleted letter "i" in AGRICOLE, and is therefore considered as typo squatting.

The addition of descriptive terms to the rights of the Complainant should not be considered when making the comparison. The disputed domain names <pro-credit-agricole.com>, <messagrie-credit-agricole.info> and <credit-agricole-mails.com> are therefore confusingly similar / identical to the rights of the Complainant, since the words "pro", "messagrie" (meaning messaging in French) and "credit" are descriptive.

For all the disputed domain names the suffixes ".info" and ".com" are to be disregarded when making the comparison.

The Respondent has registered five (5) domain names that included the Complainant's trademark CREDIT AGRICOLE and in the light of the above described the Complainant has shown a pattern of conduct by the Respondent, registering disputed domain names to misdirect and mislead the Complainants' customers.

The Complainant contends that the Respondent has no affiliation or any authorization by the Complainant.

The Panel notes that the disputed domain names holder's name or contact details contain no reference to CREDIT AGRICOLE or any similar word or name.

In this case the Panel finds that the Complainant has made a prima facie case showing that the Respondent does not have rights or legitimate interests in the domain name within the meaning of Paragraph 4(a)(ii) of the Policy. In lack 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 names <credit-agrcole.info>, <messagrie-credit-agricole.com>, <credit-agricole-message.com>, <pro-credit-agricole.com> and <credit-agricole-mails.com>.

The Panel concludes that the Respondent is using the disputed domain names to either redirect to or directly as a website imitating the Complainant's Company website and attempt to fraudulently acquire personal information from the Complainant's clients is not a bona fide offering of goods or services or a legitimate noncommercial or fair use. (See also Capital One Fin. Corp. v. Howel, FA 289304 (Nat. Arb. Forum Aug. 11, 2004)). As the Respondent is using the disputed domain names as part of a phishing scheme, the Panel finds the Respondent is using the disputed domain names in bad faith.

These facts, including the absence of a Response, the typo squatting, the pattern of conduct of the Respondent and the use in a phishing scheme, confirm that the disputed domain names have been registered without any legitimate interests and in are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDIT-AGRCOLE.INFO**: Transferred
2. **MESSAGRIE-CREDIT-AGRICOLE.COM**: Transferred
3. **CREDIT-AGRICOLE-MESSAGE.COM**: Transferred
4. **PRO-CREDIT-AGRICOLE.COM**: Transferred
5. **CREDIT-AGRICOLE-MAILS.COM**: Transferred

PANELLISTS

Name	**Lars Karnoe**

DATE OF PANEL DECISION 2017-01-12

Publish the Decision