Decision for dispute CAC-UDRP-101442

Case number	CAC-UDRP-101442
Time of filing	2017-02-16 10:18:03
Domain names	AMUNDIREALESTATE.COM

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	IBN7 Media Group

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

The Complainant uses the domain name <amundi.com > registered on August 26th, 2004, which is connected to the official website of the Complainant, and also owns several domain names consisting in this wording AMUNDI with terms of its activity, such as <amundi-assetmanagement.com>, <amundi-capitalinvestment.com>, <amundi-immobilier.com> or <amundi-funds.com>. Complainant is furthermore the owner of the trademark for the name “AMUNDI” (international trademark registration No. 1024160 “AMUNDI", in class 36, priority September 24th, 2009).

FACTUAL BACKGROUND

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

The Complainant is a company with its legal seat in Paris, France. The Complainant is a leading asset management company with assets under management more than € 850 billion worldwide. As a part of its activity, the Complainant manages a large portfolio of real estate, with more than 600 buildings in its portfolio, and € 3,6 bn worth of transactions in

2015.

The Complainant is the owner of several trademarks, such as the international registration No. 1024160 AMUNDI since September 24th, 2009, and used in several countries.

The Complainant owns the domain name <amundi.com> registered on August 26th, 2004, and is using it for the promotion of its activity. The Complainant also owns several domain names consisting in this distinctive wording AMUNDI with terms of its activity, such as <amundi-assetmanagement.com>, <amundi-capitalinvestment.com>, <amundi-immobilier.com> or <amundi-funds.com>.

The Disputed domain name <amundirealestate.com> was registered on January 18th, 2017 by the Company “IBN7 Media Group” represented by "Syed Hussain".

The Complainant furthermore states that the Respondent has not answered to a cease and desist letter, was party in several UDRP disputes and that the website in relation with the Disputed domain name <amundirealestate.com> displays sponsored links in relation with the Complainant’s activity, and a link offering to sell the Disputed domain name on the SEDO’s platform at the price of USD 1750.

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

The Complainant has rights in the mark AMUNDI by virtue of its registered trademark.

Many UDRP panels have found that a disputed domain name is confusingly similar to a complainant’s trademark where the Disputed domain name incorporates the complainant’s trademark in its entirety (e.g.Volkswagen AG v. Nowack Auto und Sport - Oliver Nowack, WIPO Case No. D2015-0070 ; Chloé S.A.S. v. DVLPMNT Marketing, Inc., WIPO Case No. 2014-0039). The Panel shares this view in the case at issue where the Complainant’s registered trademark AMUNDI is fully included in the disputed domain name and combined with the addition of the generic term "REAL ESTATE" and the gTLD suffix “.com”.

The Panel agrees with the Complainant that the addition of the generic term "REAL ESTATE" without space or hyphen at the end of the Disputed domain name and the gTLD “.com” is not sufficient to escape the finding that the Disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation

as being connected to the trademark AMUNDI, as the trademark AMUNDI at the beginning of the Disputed domain name is the only distinctive part of the Disputed domain name.

Therefore the Panel finds, that the Disputed domain name <amundirealestate.com> is confusingly similar to the Complainant's trademark AMUNDI.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the Disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the Disputed domain name, and is not commonly known under the Disputed domain name. The Complainant furthermore contends that the Respondent is not affiliated with nor authorized by AMUNDI S.A. in any way. Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks AMUNDI, or apply for registration of the Disputed domain name by the Complainant.

The Respondent is identified as the company "IBN7 Media Group" represented by "Syed Hussain".

The Panel notes that the Disputed domain name holder´s name or contact details contain no reference to AMUNDI or similar word or name. The Disputed domain name is not used for an active website with content other than sponsored links.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no right or legitimate interests in respect of the Disputed domain name <amundirealestate.com>.

The Panel finds that the Respondent has registered the Disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the Disputed domain name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the Disputed domain name, as the website is displaying a link offering to sell the Disputed domain name on the SEDO's platform at the price of USD 1750.

Furthermore, the website in relation with the Disputed domain name <amundirealestate.com> displays sponsored links in relation with the Complainant's activity. By registering and using the Disputed domain name, it seems clear that the Respondent has maintained the Disputed domain name in order to prevent the Complainant to register its trademark as a domain name and to intentionally attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark.

The Complainant argues furthermore that the Respondent's behavior has engaged in a pattern of bad faith registration and use of the Disputed domain name. The Complainant insists that the Respondent has been involved in a number of different domain disputes as the named respondent. The Complainant represents several recent UDRP disputes to the Panel in which the Company "IBN7 Media Group" or "Syed Hussain" are identified as the respondent.

The Company "IBN7 Media Group" who is the Respondent in this dispute is a respondent in only two of the cited disputes. In all other disputes "Syed Hussain" or "Syed Hussain/Domain Management" is the Respondent of these disputes.

It is very likely that "Syed Hussain", who seems to be the representative of the Respondent in the case at hand, is behind all of the cited disputes as all respondents in the cited cases are located in New Jersey, USA, which can be of no coincidence.

The Panel agrees that the Respondent's previous and current behavior indicates a pattern of bad faith registration and use of the Disputed domain names, and the Panel finds evidence of bad faith pursuant to Policy 4(b)(ii).

On these bases, the Panel concludes that the Respondent has registered and is using the Disputed domain name <amundirealestate.com> in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDIREALESTATE.COM**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2017-03-24

Publish the Decision