Decision for dispute CAC-UDRP-101523

Case number	CAC-UDRP-101523
Time of filing	2017-04-28 11:14:53
Domain names	CA-CREDIT-AGRICOLE-FR.COM

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Thomas Horcholles a

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 states and provides documentary evidence that it is the owner of a number of trademarks containing or consisting of the words CRÉDIT AGRICOLE. These include:

EU TM Registration No. 005505995 for a logo trade mark consisting of CA in fancy text with CRÉDIT AGRICOLE appearing underneath in plain text filed in 2006 for various services in classes 9, 36 and 38.

FACTUAL BACKGROUND

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

The Complainant is one of the largest banks in Europe. It is well-known by the name CREDIT AGRICOLE and is based in France. It has more than 52 million customers over 52 countries.

The Complainant states and provides documentary evidence that it is the owner of a number of trademarks containing or consisting of the words CRÉDIT AGRICOLE. Several of these trademarks also have a distinctive "CA" logo device at the

beginning or above these words. It is also the owner of a number of domains containing or consisting of the words CREDIT AGRICOLE.

The disputed domain name was registered by the Respondent recently on March 29, 2017. It does not resolve to an active website.

It is well-known that "fr" is the country code for french country code top level domain names.

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'S RIGHTS

The disputed domain name almost entirely replicates a number of the Complainant's registered trademarks. In particular, the Panel finds that the "CA" prefix is a clear reference to the Complainant's logo device that appears above or in front of the words CRÉDIT AGRICOLE in some of the Complainant's registered trademarks.

The "fr" suffix does nothing to distinguish the disputed domain from the Complainant's trademarks. In fact, given the Complainant is very well-known in France it actually enhances the likelihood of confusion.

As an aside the Panel notes the Complainant requested that the Panel "please see their website". The content of websites change from time to time. In particular they can change from the time the disputed domain name is registered and the time the Respondent is presented with the Complaint (to which they can either respond or fail to respond) and the Panel is presented with it. It is hence not appropriate for the Panel to accept this invitation to following a link instead of reviewing the dated screenshots annexed to the Complaint and it has not done so.

ABSENCE OF RESPONDENT'S RIGHTS AND LEGITIMATE INTERESTS

The Panel is unaware of any relevant rights or legitimate interests held by the Respondent. Further as the Respondent has failed to file a Response it would appear none exist.

BAD FAITH

The Panel accepts that the Respondent has an international reputation and, in particular, a strong reputation in the Respondent's home jurisdiction, France. It is inconceivable that a french person would register a domain name so strikingly similar to the Complainant's trademarks without knowledge of them. The facts indicate that the Respondent has registered the disputed domain name with the intention of taking advantage of the Complainant's reputation in its trademarks containing or consisting of CREDIT AGRICOLE, both with and without the "CA" logo device.

The Panel further notes that in the present matter the fact of passive holding alone is not sufficient to indicate bad faith. The disputed domain name was only registered on March 29, 2017. That is less than 2 months prior to the Complaint being filed. It is perfectly understandable that the Registrant may take up to a few months to make use of a domain name they register in good faith. Nevertheless the remaining facts of this matter quite clearly indicate that no good faith use is intended here. Given the significant possibility of fraudulent use, the Respondent's motives as to the passive holding of a domain name so similar to the trademarks of a well-known financial institution must be treated with skepticism, especially when no light on such a motive is cast by a response. This disputed domain name was registered and is 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. **CA-CREDIT-AGRICOLE-FR.COM**: Transferred

PANELLISTS

Name	**Mr Andrew Norman Sykes**

DATE OF PANEL DECISION 2017-05-29

Publish the Decision