Decision for dispute CAC-UDRP-101593

Case number	CAC-UDRP-101593
Time of filing	2017-07-10 12:08:35
Domain names	amundi-uk.com

Case administrator

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

Complainant

Organization	AMUNDI

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	hilscher of lo

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 owns International trademark AMUNDI with registration number 1024160, registered on September 24, 2009 for services in class 36, with designated countries including Australia, the European Union, Japan, Republic of Korea, and the United States (the "AMUNDI Trademark").

FACTUAL BACKGROUND

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

The Complainant was created by Crédit Agricole and Société Générale to regroup their activities of asset management, and ranks in the worldwide top 10 in the asset management industry with assets under management more than € 850 billion worldwide. The Complainant is the owner of several trademarks which are used in several countries, including the AMUNDI Trademark.

The disputed domain name was registered on June 28, 2017 and is not used in connection with an active website. However, the disputed domain name is used by the Respondent to send e-mails presenting itself as an employee of the Complainant,

and attempting to obtain confidential information from the Complainant’s employees.

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 Respondent did not reply to the Complainant’s contentions. However, the consensus view of UDRP panels is that the Respondent’s default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent’s default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are not such exceptional circumstances.

The Panel finds that the disputed domain name is confusingly similar to the AMUNDI Trademark, as the disputed domain name contains the trademark in its entirety with the addition of "-uk", which is a reference to the United Kingdom of Great Britain and Northern Ireland where the Complainant is also active, which is insignificant to the overall impression.

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent has made neither use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name. This prima facie evidence was not challenged by the Respondent.

The Complaint showed that the disputed domain name was used within the Complainant's organization for phishing purposes in an attempt to obtain confidential information from the Complainant's employees by impersonating a Complainant's existing employee. In the absence of a Response, this is a clear evidence of use of the disputed domain name in bad faith. The Panel further infers from this use which immediately followed the registration of the disputed domain name, that the Respondent had the AMUNDI Trademark in mind when he registered the disputed domain name, which was therefore registered in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDI-UK.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2017-08-15

Publish the Decision