Decision for dispute CAC-UDRP-101609

Case number	CAC-UDRP-101609
Time of filing	2017-07-25 10:13:11
Domain names	g4-enligne-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

Organization	MOHAMED DONAS

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

According to the evidence provided, the Complainant owns a portfolio of trademarks including the wording “CREDIT AGRICOLE” in several countries, e.g. as follows:

CREDIT AGRICOLE: International Trademark Reg. No. 1064647, registered since January 4, 2011
CREDIT AGRICOLE: International Trademark Reg. No. 441714, registered since October 25, 1978

Furthermore, the Complainant owns domain names consisting in the wording “CREDIT AGRICOLE”, such as <credit-agricole.com> registered since December 31, 1999.

FACTUAL BACKGROUND

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

The Complainant states that it is the leader in retail banking in France and one of the largest banks in Europe.

The Complainant is the owner of the trademarks CREDIT AGRICOLE (hereinafter refferred to as the “Trademark“) and this Trademark has become very widely known around the world over a number of decades. It is also the owner of certain domain names that incorporate the Trademark including <credit-agricole.com> which was created on December 31, 1999.

The disputed domain name was registered by the Respondent identified as “Mohamed Donas” on July 10, 2017.

The Complainant states that the disputed domain name is confusingly similar to the Complainant’s Trademark CREDIT AGRICOLE, and domain names associated.

Since its registration, the disputed domain name is not used with an active website and it displays a webpage with the information “sito in costruzione”, wich means “website under construction” in Italian.

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

1. Rights

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

From the evidence provided, and not contested by the Respondent, the Complainant owns a number of trademark registrations for the mark CREDIT AGRICOLE.

The disputed domain name reproduce the Complainant’s Trademark in its entirety with the generic Top-Level Domain (“gTLD”) “.com”.

The addition of the gTLD suffix “.com” does not have the capacity to distinguish the disputed domain name from the Complainant’s Trademark and are disregarded when comparing the disputed domain name with the Complaintant’s Trademark.

The disputed domain name differs for its part from the CREDIT AGRICOLE Trademark by the addition of the words “G4" and ENLIGNE" at the beginning of the domain name and the letters “FR” at the end of the domain name, all the terms being separated by a hyphen.

In the present case, the addition of the terms "G4", "ENLIGNE" and "FR" does not serve sufficiently to distinguish or differentiate the disputed domain name from the Complainant's CREDIT AGRICOLE Trademark. It is clear that the most prominent element in the disputed domain name is the term "CREDIT AGRICOLE".

Moreover, as the letters "FR" refer to the country where the Complainant is established, the words "G4" and "ENLIGNE" are generic additions, these additions cannot serve to distinguish the disputed domain name from the Complainant's Trademark.

Accordingly, the Panel finds for the Complainant under paragraph 4(a)(i) of the Policy.

2. Absence of Rights or Legitimate Interests

Next, the Panel finds, that the Respondent lacks rights or legitimate interest in the disputed domain name. Once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden shifts to the Respondent to show that it has rights or legitimate interests in respect to the disputed domain name.

The Complainant has stated that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant also stated that it has not licensed nor allowed the Respondent to use the disputed domain name.

The Panel finds that the Complainant has established a prima facie case in this regard, inter alia, due to the fact that the Complainant has not licensed or otherwise permitted the Respondent to use the CREDIT AGRICOLE Trademark, or a variation thereof.

The Respondent had not submitted a Response and did not provide any evidence to show any rights or legitimate interests in the disputed domain name that is sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel finds for the Complainant under paragraph 4(a)(ii) of the Policy.

3. Bad Faith

The Complainant must show that the Respondent registered and is using the disputed domain name in bad faith (Policy, paragraph 4(a)(iii)).

As established in other UDRP decisions, CREDIT AGRICOLE is a well-known trademark (see, among others, WIPO Cases No. D2010-1683, No. D2012-0258). Furthermore, the Respondent is French, and France is the country were the Complainant has its seat.

The Complainant has submitted evidence, which shows that the Respondent registered the disputed domain name long after the Complainant registered its Trademark. According to the evidence filed by the Complainant, the Complainant has owned a registration for the CREDIT AGRICOLE Trademark since at least the year 1978. It is suggestive of the Respondent's bad faith in these particular circumstances that the Trademark, owned by the Complainant, was registered long before the registration of the disputed domain name.

The CREDIT AGRICOLE Trademark is well-known, the Respondent is also a French resident and so, without any response from the Respondent, the Panel concludes that it is highly likely that the Respondent had prior knowledge of the Trademark. The Panel finds that the disputed domain name was registered and is being used by the Respondent with knowledge of the Complainant and in bad faith.

Lastly, it is clear from the selection of the domain name, that the Respondent has purposely targeted the Complainant's Trademark.

Further, the disputed domain name is currently inactive, it displays a webpage with the information “sito in costruzione”, which means in Italian “website under construction”. An inactive website can, in appropriate circumstances, indicate the Respondent’s bad faith. The Respondent did not come forward with any explanation of the intented future use of the disputed domain name. It is difficult to think of an future use which is not connected to the Complainant due to the style of the disputed domain name.

Based on the evidence that was presented to the Panel, including the Complainant’s registered trademarks, the use of the Complainant’s Trademark in the disputed domain name, the current use of the disputed domain name and the Respondent’s failure to answer the Complaint, the Panel finds that the disputed domain name was registered and is being used in bad faith.

For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **G4-ENLIGNE-CREDIT-AGRICOLE-FR.COM**: Transferred

PANELLISTS

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

DATE OF PANEL DECISION 2017-08-25

Publish the Decision