# Decision for dispute CAC-UDRP-101701

| | |
|---|---|
| Case number | CAC-UDRP-101701 |
| Time of filing | 2017-10-04 11:30:06 |
| Domain names | credit-ogricole.com |

## Case administrator

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

## Complainant

| | |
|---|---|
| Organization | CREDIT AGRICOLE SA |

## Complainant representative

| | |
|---|---|
| Organization | Nameshield (Maxime Benoist) |

## Respondent

| | |
|---|---|
| Organization | iFinex Inc |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

The Complainant has demonstrated to be the owner of numerous trademark registrations protected worldwide, consisting of or including the wording CREDIT AGRICOLE and, in particular:

- International trademark "CA CREDIT AGRICOLE" (fig.), no. 441714, registered on 25 October 1978 in classes 16, 35, 36, 42.

- International trademark "CA CREDIT AGRICOLE" (fig.) no. 525634, registered on 13 July 1988 in classes 16, 35, 36

- EUTM "CA CREDIT AGRICOLE" (fig.) no. 005505995, filed on 20 November 2006 and registered on 20 December 2007 in classes 9, 36, 38

- EUTM "CREDIT AGRICOLE" no. 006456974, filed on 13 November 2007 and registered on 23 October 2008 in classes 9, 16, 35, 36, 38

- International trademark "CREDIT AGRICOLE" no. 1064647, registered on 4 January 2011 in classes 9, 16, 35, 36, 38

FACTUAL BACKGROUND

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

CREDIT AGRICOLE S.A. (the Complainant) is one of the largest banks in Europe. CREDIT AGRICOLE S.A. assists its clients' projects in France and around the world in all areas of banking and trades associated with it.

The Complainant owns several trademarks registered worldwide and consisting of or including the wording CREDIT AGRICOLE. CREDIT AGRICOLE S.A. also owns several domain names including the distinctive wording CREDIT AGRICOLE. The disputed domain name <credit-ogricole.com> has been registered on September 20, 2017 and it is totally inactive since its registration. In the Complainant's view the replacement of the letter "A" by the letter "O" in the word AGRICOLE is not sufficient to escape the finding that the domain name in dispute is confusingly similar to the trademark "CREDIT AGRICOLE". The Complainant contends that this is a clear case of typosquatting i.e. the disputed domain name contains an obvious misspelling of the Complainant's trademark: CREDIT-OGRICOLE instead of CREDIT-AGRICOLE.

In addition, according with the Complainant's statements the Respondent has no rights or legitimate interests in respect of the domain name and the Complainant does not carry out any activity for, nor has any business with the Respondent. Furthermore the Complainant argues that the trademark "CREDIT AGRICOLE" is a widely known trademark; actually, previous panels have confirmed the notoriety of the trademark "CREDIT AGRICOLE" (WIPO Case no. D2010-1683 Crédit Agricole S.A. v. Dick Weisz; WIPO Case no. D2012-0258 Credit Agricole S.A. v. Wang Rongxi; CAC Case no. 100688 Credit Agricole S.A. v. EMPARK; CAC Case no. 100687 Credit Agricole S.A. v. Hildegard Gruener; CAC Case no. 100633 Credit Agricole S.A. v. Credit Agricole Assurance). In the Complainant's view, given the distinctiveness and reputation of the Complainant's trademark it is reasonable that the Respondent has registered the domain name with full knowledge of the Complainant's marks and with the intention of taking advantage of Complainant's trademark. The Complainant notes that, as confirmed by previous panels, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use. In consideration of the above mentioned circumstances the Complainant requests the transfer of the disputed domain name.

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

Paragraph 4(a) of the Policy provides that to obtain the transfer of the disputed domain name, the Complainant must prove that each of the following elements is present:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1) The disputed domain name is a misspelling of the Complainant's trademark; it differs from the Complainant's trademark only for the replacement of the letter "A" by the letter "O" in the word AGRICOLE. It is well established that "typosquatting" can constitute confusing similarly (WIPO Case No. D2001-1314, Deutsche Bank Aktiengesellschaft v. New York TV Tickets Inc.; WIPO Case No. D2000-1272, DaimlerChrysler Corporation v. Worshipping, Chrisler, and Chr, aka Dream Media and aka Peter Conover, WIPO Case No. D2001-1201, Playboy Enterprises v. Movie Name Company, WIPO Case No. DCO2016-0008, First American Financial Corporation v. VistaPrint Technologies Ltd). The Panel considers this to be a clear case of typosquatting and that, accordingly, the domain name in dispute is confusingly similar to the Complainant's trademark. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it is not commonly known under the disputed domain name and was never authorized to use the domain name by the Complainant. The Respondent, in the absence of any Response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain name. The Complainant therefore succeeds on the second element of the Policy.

3) Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the disputed domain name in bad faith. In the panel's view the Respondent has engaged in an opportunistic bad faith registration of the domain name because the Complainant's mark is famous and there is no other good faith explanation for such an unauthorized registration. This Panel finds that Complainant's "CREDIT AGRICOLE" mark is well-known on an international basis. There are previous cases in which panels had clarified that registration of a domain name that is confusingly similar to a well-known trademark by any entity that has no relationship to that mark, may be sufficient evidence of bad faith registration and use (Allianz, Compañía de Seguros y Reaseguros S.A. v. John Michael, WIPO Case No. D2009-0942; Veuve Cliquot Ponsardin, Maison Fondee en 1772 v. The Polygenix Group Co., WIPO Case No. D2000-0163; Pepsico, Inc. v. "null", aka Alexander Zhavoronkov, WIPO Case No. D2002-0562; Pepsico, Inc. v. Domain Admin, WIPO Case No. D2006-0435). It is clear that the Respondent must have known of the Complainant's "CREDIT AGRICOLE" mark at the time of registration of the disputed domain name and therefore the Respondent registered the domain name in bad faith. According with previous decisions the fact that the Respondent is passively holding the disputed domain name can also be characterized as bad faith use. In particular, in Intel Corporation v. The Pentium Group, WIPO Case No. D2009-0273 and in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 panels concluded that passive holding of a domain name can be bad faith when complainant's mark has a strong reputation and respondent has provided no evidence of whatsoever of any actual or contemplated good faith use by it of the domain name.

In consideration of the above, the Panel holds that the Complainant has met its burden of showing that the Respondent registered and is using the domain name in bad faith and therefore that the Complainant succeeds also on the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDIT-OGRICOLE.COM**: Transferred

## PANELLISTS

| | |
|---|---|
| Name | **Avv. Guido Maffei** |

DATE OF PANEL DECISION 2017-11-02

Publish the Decision