Decision for dispute CAC-UDRP-101722

Case number	CAC-UDRP-101722
Time of filing	2017-10-13 09:00:15
Domain names	IBPS-CA-CREDIT-AGRICOLE.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	samadi anis

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 several trademarks including the distinctive wording CA CREDIT AGRICOLE®, such as the international registration no. 441714 since October 25th 1978, and also the international registration CREDIT AGRICOLE® number 1064647 registered since January 1st 2011.

FACTUAL BACKGROUND

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

The disputed domain name <ibps-ca-credit-agricole.com> was registered by the Respondent identified as “samadi anis” from “Mexico” on October 1st 2017.

Since its registration, the disputed domain name is not used with an active website. Indeed, it displays an inactive website with the information “Not Found (404).

PARTIES CONTENTIONS

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

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).

The disputed domain name is confusingly similar to the trademarks CA CREDIT AGRICOLE® and CREDIT AGRICOLE®, and its domain names associated. The disputed domain name contain the Complainant’s registered and widely known trademark CREDIT AGRICOLE® in its entirety. The disputed domain name only differs from the CREDIT AGRICOLE® trademark by the addition of the generic term "IBPS"” after the trademark, separated by hyphens.Numerous UDRP decisions have also recognized that the addition of a generic term, such as "CF", “G3”, and “ENLIGNE”, associated to a trademark does not create a new or different right to the mark or diminish confusing similarity.; see for instance:- CAC Case n° 101402 CREDIT AGRICOLE SA v. William Philippe.

The disputed domain name was registered with the gTLD extension “.COM”. It is well established that gTLDs may typically be disregarded in the assessment under paragraph 4(a)(i) of the Policy when comparing disputed domain name and trademark. Therefore, the use of the gTLD “.COM” in the disputed domain name is irrelevant. See- CAC case n° 101376 CREDIT AGRICOLE SA v. LINA MARIA: finding that: “for all the disputed domain names the suffixes ".info" and ".com" are to be disregarded when making the comparison.”

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).

According the whois information of the disputed domain name, the Respondent is identified as “samadi anis” from “Mexico”.

The Respondent is not affiliated with nor authorized by CREDIT AGRICOLE S.A. in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to its business. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant’s trademarks CA CREDIT AGRICOLE® and CREDIT AGRICOLE®, or apply for registration of the disputed domain name by the Complainant. Furthermore, the disputed domain name redirect to inactive website. Indeed, it displays an inactive website with the information “Not Found (404)”. The disputed domain name was used for phishing activities.

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).

The Complainant’s trademark CREDIT AGRICOLE® is widely known. Past panels have confirmed the notoriety of the trademarks CREDIT AGRICOLE® in the following cases:

- WIPO - D2010-1683 Crédit Agricole S.A. v. Dick Weisz ;
- WIPO - D2012-0258 - Credit Agricole S.A. v. Wang Rongxi.

Given the distinctiveness of the Complainant's trademarks, the Complainant’s reputation all over the world, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks; see for instance:- CAC - 100633 - Credit Agricole S.A. v Alain Pattinson.

The disputed domain name has also been registered by the Respondent in an effort to take advantage of the good reputation that the Complainant had built up in its CA CREDIT AGRICOLE® and CREDIT AGRICOLE® trademarks, with the sole aim to create a likelihood of confusion with the Complainant's trademark and domain names.

It seems inconceivable that the Respondent can use the disputed domain name without infringing the Complainant's intellectual property rights, because the disputed domain name are too connected with the Complainant's trademarks

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 owns several trademarks including the distinctive wording CA CREDIT AGRICOLE®

Since its registration, the disputed domain name is not used with an active website. Indeed, it displays an inactive website with the information "Not Found (404).

The disputed domain name is confusingly similar to the Complainant's trademarks CA CREDIT AGRICOLE® and CREDIT AGRICOLE®, and domain names associated.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **IBPS-CA-CREDIT-AGRICOLE.COM**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2017-11-08

Publish the Decision