Decision for dispute CAC-UDRP-101710

Case number	CAC-UDRP-101710
Time of filing	2017-10-06 12:40:14
Domain names	CA-SERVICES-CREDITAGRCIOLE.NET

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Jorge Flores

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

CREDIT AGRICOLE S.A. is the leader in retail banking in France and one of the largest banks in Europe. First financing the French economy and major European player, CREDIT AGRICOLE S.A. assists its clients' projects in France and around the world, in all areas of banking and trades associated with it: insurance management asset leasing and factoring, consumer credit, corporate and investment. CREDIT AGRICOLE has more than 52 million of customers over 52 countries, and more than 11 100 banking agencies in the world.

The Complainant owns several trademarks including the distinctive wording CA CREDIT AGRICOLE®, such as the international registration no. 441714 since 25 October, 1978, and also the international registration CREDIT AGRICOLE® number 1064647 registered since 4 January 2011.

CREDIT AGRICOLE S.A. is also the owner of domain names, including the same distinctive wording CREDIT AGRICOLE®, such as <credit-agricole.com> registered since 31 December 1999.

The disputed domain name <ca-services-creditagrciole.net> was registered by the Respondent identified as “Jorge Flores” on 28 September2017.

Since its registration, the disputed domain name is not used with an active website. Indeed, it displays a blank page.

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.

FACTUAL BACKGROUND

The Disputed domain name is confusingly similar to the protected mark.

The manner in which the disputed domain name is confusingly similar to the protected mark: Mark combined with generic term and widely known trademark.

ADDITIONAL EXPLANATIONS:

The Complainant states that the disputed domain name <ca-services-creditagrciole.net> is confusingly similar to its trademarks CA CREDIT AGRICOLE® and CREDIT AGRICOLE®, and its domain names associated.

Indeed, the disputed domain name contains the Complainant's registered and widely known trademark CREDIT AGRICOLE® and CA CREDIT AGRICOLE® in their entirety.

The Complainant contends that the disputed domain name <ca-services-creditagrciole.net> differs from the CA CREDIT AGRICOLE® trademark by the addition of the letters "SERVICES" after the letters "CA", and the misspelling of the term CREDIT AGRICOLE" by moving letter "I" in the term "AGRICOLE". All the terms of the disputed domain name being separated by hyphens.

The disputed domain name was registered with the gTLD extension ".NET". 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 ".NET" in the disputed domain name is irrelevant. Please see for instance:

- 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."

Therefore, all these elements are not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks and linked to the Complainant.

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. The main issues under the Policy are whether:

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

ii. the Respondent has no rights or legitimate interests with respect to the domain name; and

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

2. The Panel reviewed carefully all documents provided by the Complainant. The Respondent did not provide the Panel with any documents or statements. The Panel also visited all available websites and public information concerning Disputed domain name, namely the WHOIS databases.

3. The Rules for Uniform Domain Name Dispute Resolution Policy clearly say in its Article 3 that any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules.

4. The Panel therefore came to the following conclusions:

a) The Complainant has clearly proven that he is a long standing and successful company in the business environment, namely banking and Internet space. It is clear that its trademarks and domain name “CREDITAGRICOLE” are well-known.

Domain name is identical or confusingly similar

b) The Complainant states that the disputed domain name <ca-services-creditagrciole.net> is confusingly similar to its trademark. Indeed, the trademark is incorporated in its entirety in the disputed domain name.

The Respondent not having rights or legitimate interest with respect to the Disputed domain name

c) It has to be stressed that it was proven that there are no fair rights of the Respondent to the disputed domain name. The Respondent is not generally known by the disputed domain name, and has not acquired any trademark or service mark rights in the name or mark.

The Disputed domain name was registered with an intention to attract customers of another well known domain name/registered trademark holder. Therefore there cannot be seen any legitimate interest of the Respondent.

Domain name has been registered and is used in bad faith

d) From the IP Law perspective, it is clear that the Complainant's trademark and website were used by the Complainant long time before the disputed domain name was registered and used. It is therefore concluded that the disputed domain name was registered with an intention to attract customers of another well-known domain name/registered trademark holder.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CA-SERVICES-CREDITAGRCIOLE.NET**: Transferred

PANELLISTS

Name	**Dr. Vít Horáček**

DATE OF PANEL DECISION 2017-11-10

Publish the Decision