Decision for dispute CAC-UDRP-101718

Case number	CAC-UDRP-101718
Time of filing	2017-10-06 12:47:43
Domain names	ibps-credit-agricole-agencenet.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	cervi nahum

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant uses the domain name credit-agricole.com which is connected to the official website of the Complainant and it provided evidence that is also the owner of the following trademarks:

- Word mark CREDIT AGRICOLE, WIPO registration 106647, registered on 4 January 2011

- Figurative mark containing word element CA CRÉDIT AGRICOLE, WIPO registration 525634, registered on 13 July 1988

- Figurative mark containing word element CA CRÉDIT AGRICOLE, WIPO registration 441714, registered on 25. October 1978

- Word mark CREDIT AGRICOLE, EU registration 006456974 registered on 23 October 2008

Figurative mark containing word element CA CREDIT AGRICOLE, EU registration no 005505995 registered on 20 December 2007.

FACTUAL BACKGROUND

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

The Complainant is the leader in retail banking in France using its trademark registration CREDIT AGRICOLE. Its domain name credit-agricole.com has been registered since 1999.

The Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's CREDIT AGRICOLE trade mark with the addition of 'IBPS' and 'AGENCENET' separated by hyphens which do not diminish the confusing similarity. The use of the gTLD in the Disputed Domain Name is also irrelevant.

The Complainant further argues that the Respondent is not commonly known by the Domain Name or affiliated or authorised by the Complainant in any way. The Disputed Domain Name points to an inactive website. The Domain Name was used for phishing activities, but the Complainant has had the website which was attached to the Disputed Domain Name suspended This is not a bona fide offering of goods and services or a legitimate non-commercial or fair use. The Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Complainant finally contents that even though it is attached to an inactive site now, the Domain Name has been registered and used in bad faith and passive use of a domain name (originally registered in 2002) containing a famous mark is bad faith registration and use.

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 Panel finds that the disputed domain name IBPS-CREDIT-AGRICOLE-AGENCENET.COM is confusingly similar to the Complainant’s CREDIT AGRICOLE trademark incorporating the Complainant’s mark in its entirety and only adding generic terms and the gTLD which do not distinguish the disputed domain name from the Complainant’s mark.

The Panel notes that the domain names holder’s name or contact details contain no reference to CREDIT AGRICOLE or any similar word or name and the Respondent does not appear to be commonly known by the disputed domain name. The Complainant has not authorised the Respondent to use its mark. The domain name is not used for any active website and so this cannot be a bone fide offering of goods or services or legitimate non-commercial fair use.

In view of the lack of any Response from the Respondent, or any other information indicating the contrary, the Panel

concludes that the Respondent has no rights or legitimate interests in respect of IBPS-CREDIT-AGRICOLE-AGENCENET.COM.

The Complainant's mark is famous and has been used since 1978. While the Complainant has not submitted any evidence of the alleged phishing by the Respondent there seems to be no good reason for the Respondent to more recently register and passively hold a domain name containing the Complainant's famous mark for an extended period of time. The panel finds, therefore, that there has been passive holding of a domain name containing a famous mark, namely the Domain Name by the Respondent for no good reason which is registration and use in bad faith, the provisions of the Policy not being exhaustive and Panels commonly finding that such a practice is bad faith sufficient to satisfy the third limb of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2017-11-17

Publish the Decision