Decision for dispute CAC-UDRP-101742

Case number	CAC-UDRP-101742
Time of filing	2017-10-24 09:29:17
Domain names	ww3credit-eagricole.info

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	THIAGO LLORENTE N/A

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant owns several registrations for the trademark CREDIT AGRICOLE, including international registration number 1064647 registered since January 4, 2011.

FACTUAL BACKGROUND

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

Registered on October 18, 2017, the disputed domain name is confusingly similar to the Complainant's trademark CREDIT AGRICOLE. The Respondent has no rights or legitimate interests with respect to the disputed domain name, which was registered and is being used in bad faith.

As to legitimacy, according the Whois information, the Respondent is "THIAGO LLORENTE" . The Respondent is not affiliated

with nor authorized by the Complainant in any way and is not related in any way to its business. No authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark nor to apply for registration of the disputed domain name, which, since its registration, resolves to an inactive website with the information "Not Found (404)" and has been used for phishing activities. In light of the well-known character of the Complainant's trademark, the Respondent could not legitimately adopt the disputed domain name other than for the purpose of creating an impression of an association with the Complainant. The disputed domain name therefore does not constitute a bona fide offering of goods and services or a legitimate non-commercial or fair use. Indeed, the Respondent has registered the disputed domain name only in order to create a likelihood of confusion.

As to bad faith, given the distinctiveness of the Complainant's trademarks and the Complainant's worldwide reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks and did so in an effort to take advantage of the good reputation the Complainant had built up in its trademarks, with the sole aim to create a likelihood of confusion with the Complainant's trademarks.

The term CREDIT AGRICOLE is known worldwide and especially in Europe only in relation to the Complainant. Indeed, a previous Panel has stated that the Complainant's trademark "has a long history, a strong reputation, is highly distinctive, particularly in countries where the primary language is not French, and is widely known". See: CAC case 101281 CREDIT AGRICOLE S.A. v. JOSEPH Kavanagh.

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 is also connected with the Complainant's trademarks See : WIPO Case No. D2000-0641, Singapore Airlines Limited v. European Travel Network, (<singaporeairlines.org>, <singaporeair.net> and <singaporeair.org>) in which the panel stated that the selection of the disputed domain name is so obviously connected to complainant's well-known trademark, very use by someone with no connection with complainant suggests opportunistic bad faith.

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 Complainant's trademark CREDIT AGRICOLE is widely known, as has been found for example by previous panels in the following cases:

- WIPO - D2010-1683 Crédit Agricole S.A. v. Dick Weisz ; and

- WIPO - D2012-0258 - Credit Agricole S.A. v. Wang Rongxi .

The Complainant's trademark CREDIT AGRICOLE constitutes the dominant component of the disputed domain name <ww3credit-eagricole.info> and the differences between the disputed domain name and the Complainant's mark are insufficient to distinguish them from each other. See CAC Case n° 101402 CREDIT AGRICOLE SA v. William Philippe: finding that: "the addition of the term <SMS> is only a minor variation and therefore not sufficient to distinguish the disputed domain names <smscreditagricole.com> and <credit-agricole-sms.net> from the Complainant's trademark CREDIT AGRICOLE; the Complainant's trademark CREDIT AGRICOLE constitutes the dominant component of the disputed domain names."

In the present case, the Panel finds the disputed domain name to be confusingly similar to the Complainant's CREDIT AGRICOLE mark.

The Panel finds that the CREDIT AGRICOLE mark is distinctive and widely known. The Complainant's assertions are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name . See WIPO Case No. D2004-0753, Cassava Enterprises Limited, Cassava Enterprises (Gibraltar) Limited v. Victor Chandler International Limited. The Respondent has made no attempt to do so. In the circumstances of this case, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name .

As to bad faith registration, the Panel can conceive of no bona fide basis on which the Respondent could have registered the disputed domain name. The Respondent could not have been unaware of the Complainant and its CREDIT AGRICOLE mark when he registered the disputed domain name and must have known that any use would falsely misrepresent a connection with the Complainant. Accordingly the Panel finds that the disputed domain name was registered in bad faith.

As to bad faith use, this requirement has been found not to require positive action, inaction being within the concept: Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003. Given the strong reputation of the Complainant and its CREDIT AGRICOLE trademark and the absence of any evidence on the part of the Respondent pointing to any bona fide use to which the disputed domain name could be put, the Panel finds that the disputed domain name is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WW3CREDIT-EAGRICOLE.INFO**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2017-11-27