Decision for dispute CAC-UDRP-101755

Case number	CAC-UDRP-101755
Time of filing	2017-11-01 12:29:56
Domain names	client-ww3creditagricole.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	pilar bonita

OTHER LEGAL PROCEEDINGS

There is no information about other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

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.

The Complainant owns several trademarks including the distinctive wording CREDIT AGRICOLE®, such as the international registration “CA CREDIT AGRICOLE” number 441714 registered, used, and renewed since October 25, 1978.

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 December 31, 1999.

The disputed domain name <client-ww3creditagricole.com> was registered by the Respondent identified as “pilar bonita” on October 27, 2017.

FACTUAL BACKGROUND

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

The Complainant listed several previous decisions, in which he demonstrated that the minor variations and descriptive parts of the disputed domain names shall be disregarded when evaluating confusing similarity with Complainant´s trademarks CREDIT AGRICOLE®, for example:

- CAC Case no. 101402 CREDIT AGRICOLE SA v. William Philippe, disputed domain names <smscreditagricole.com> and <credit-agricole-sms.net>

- CAC case no. 101376 CREDIT AGRICOLE SA v. LINA MARIA, disputed domain names <credit-agrcole.info>, <messagrie-credit-agricole.com>, <credit-agricole-message.com>, <credit-agricole-message.com>, <pro-credit-agricole.com>, <credit-agricole.mails.com>

Further the Complainant stated that many previous decisions confirmed Complainant´s rights, namely:
- WIPO - D2010-1683 Crédit Agricole S.A. v. Dick Weisz ;
- WIPO - D2012-0258 - Credit Agricole S.A. v. Wang Rongxi
- WIPO - D2000-0003 - Telstra Corporation Limited v. Nuclear Marshmallows
- WIPO - D2000-0400 - CBS Broadcasting, Inc. v. Dennis Toeppen

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

I. Complainant’s Rights

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

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

The Complainant contends that the addition in the disputed domain name <client-ww3creditagricole.com> of the generic words “CLIENT” separated from the term “WW3” by a hyphen, and the use of the trademark CREDIT AGRICOLE®, with the use of the gTLD “.COM”, are not sufficient elements to escape the finding that the disputed domain name is confusingly

similar to the Complainant's trademarks and linked to the Complainant.

Numerous UDRP decisions have also recognized that the addition of a generic term associated to a trademark does not create a new or different right to the mark or diminish confusing similarity, as also the Complainant has stated in its Complaint (i.e. - CAC Case no. 101402).

Furthermore, 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. The Complainant listed the CAC case no. 101376 and the Panel here agrees.

Finally, many UDRP decisions have confirmed the Complainant's rights such as:
- WIPO case no. D2016-1668 Crédit Agricole S.A. v. Ronaldo Kabisa, Ronaldo Mika (<id-credit-agricole-frds.com>, <id-credit-agricole-frsd.com>)
- CAC case no. 101277 Crédit Agricole S.A. v. A Happy Dreamhost Customer (<creditagricole-login.com>)
- CAC case no. 101281 Crédit Agricole S.A. v. JOSEPH Kavanagh (<rti-creditagricole.com>, <poi-crediagricole.com>, <oen-creditagricole.com>, <lvu-creditagricole.com>, <iuy-creditagricole.com>)
- CAC case no. 101253 Crédit Agricole S.A. v. garofalo giovanni (<ca-credit-agricole.info>)
- CAC case no. 101251 Crédit Agricole SA v. Amine Mansour (<surcredit-agricole.com>)

Thus, this Panel agrees that the disputed domain name is confusingly similar to the Complainant's trademarks CREDIT AGRICOLE®.

II. The Respondent does not have any rights or legitimate interest in the disputed domain name.

Categories of issues involved:
According to the WIPO case no. D2003-0455 Croatia Airlines d.d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP.

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

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks CREDIT AGRICOLE®, or apply for registration of the disputed domain name <client-ww3creditagricole.com> by the Complainant.

Furthermore, the disputed domain name points to an inactive website. It demonstrates a lack of legitimate interests in respect of the disputed domain name. Please see for instance:
- WIPO case No. D2000-1164, Boeing Co. v. Bressi: the Panel stated that the "Respondent has advanced no basis on which he could conclude that it has a right or legitimate interest in the domain names";
- FORUM case no. FA109697, LFP, Inc. v. B & J Props.: the Panel stated that "the respondent cannot simply do nothing and effectively "sit on his rights" for an extended period of time when the respondent might be capable of doing otherwise".

Indeed, in light of the well-known character of the Complainant's trademarks and the fact that the domain name relates to an inactive page, the Complainant contends that the Respondent could not legitimately adopt 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.

The Complainant contends that the Respondent has registered the disputed domain name with the sole aim to prevent him to register it.

It is finally demonstrated that the Respondent did not make any legitimate use of disputed domain name since its registration.

Accordingly, the Panel finds that Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against Respondent. As Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name <client-ww3creditagricole.com>.

III. The domain name has been registered and is being used in bad faith

Categories of issues involved:
Complainant contends that the Complainant's trademarks 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 ;
- CAC - 100688 - Credit Agricole S.A. v. EMPARK ;
- CAC - 100687 - Credit Agricole S.A. v. Hildegard Gruener ;
- CAC - 100633 - Credit Agricole S.A. v. Credit Agricole Assurance ;

Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks. Please see for instance WIPO - D2004-0673 - Ferrari S.p.A v. American Entertainment Group Inc.

The Complainant also contends that the Respondent registered the disputed domain name with the intention of taking advantage of Complainant's trademarks.

The disputed domain name is confusingly similar to the Complainant's trademarks CREDIT AGRICOLE®. The domain name includes the trademark CREDIT AGRICOLE ® in its entirety, with the adjunction of the generic terms "CLIENT", and "WW3".

The term CREDIT AGRICOLE ® is worldwide only known in relation with the Complainant and especially in Europe. A Google search on the expression CREDIT AGRICOLE® displays several results, all of them being related to the Complainant and its banking activity.

Moreover, the Respondent has not demonstrated any good faith activity in respect of the disputed domain name. Indeed, the disputed domain name displays an inactive webpage.

As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.
Please see for instance:
- WIPO - D2000-0003 - Telstra Corporation Limited v. Nuclear Marshmallows
- WIPO - D2000-0400 - CBS Broadcasting, Inc. v. Dennis Toeppen

Furthermore, past Panel 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". Please see: CAC case 101281 CREDIT AGRICOLE S.A. v. JOSEPH Kavanagh.

Therefore, the Complainant states that the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting its trademark in a corresponding domain name.

On these bases, this Panel concludes that the Respondent has registered and is using the disputed domain name <client-ww3creditagricole.com> in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CLIENT-WW3CREDITAGRICOLE.COM**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm, Esq.**

DATE OF PANEL DECISION 2017-12-05

Publish the Decision