Decision for dispute CAC-UDRP-101745

Case number	CAC-UDRP-101745
Time of filing	2017-10-27 08:49:33
Domain names	ca-adhesion-lbps-credit-agricole.com

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	adam anzil

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 is the owner, amongst others of the European Union trademark registration No. 006456974 for CREDIT AGRICOLE, registered on October 23, 2008, in classes 9, 16, 35, 36, 38 and 42, and of the International trademark registration No. 441714 for CA CREDIT AGRICOLE, registered on October 25, 1978, in classes 16, 35, 36 and 42.

FACTUAL BACKGROUND

The Complainant is one of the largest European banks and provides its services, both in France and in other countries, also in the field of insurance management, asset leasing and factoring, consumer credit, corporate and investment.

It operates its main website at the domain name <credit-agricole.com>, registered since December 31, 1999.

The disputed domain name <ca-adhesion-lbps-credit-agricole.com> was registered by the Respondent on October 16, 2017.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS

THE COMPLAINANT

The Complainant states that the disputed domain name is confusingly similar to its trademarks and domain names, since the addition in the disputed domain name of the generic words “ca” (which refers to “Crédit Agricole”), “ibps” and “adhesion”, the hyphens, and the gTLD “.com”, is 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.

The Complainant contends that the Respondent has no right or legitimate interest in the disputed domain name since i) the Respondent is not affiliated with nor authorized by the Complainant in any way, and the Complainant has not granted any licence or authorization to the Respondent to make any use of the Complainant’s trademarks, or apply for registration of the disputed domain name; and ii) the disputed domain name points to an inactive website.

The Complainant also states that the Respondent registered and used the disputed domain name in bad faith because i) given the distinctiveness of the Complainant's trademarks, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks; ii) the Respondent registered the disputed domain name with the intention of taking advantage of the Complainant's trademarks; and iii) the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

THE RESPONDENT

The Respondent did not reply to the Complainant’s contentions.

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 Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademarks CREDIT AGRICOLE and CA CREDIT AGRICOLE, as it includes the trademarks in their entirety, with the mere addition of hyphens, generic terms and the Top-Level domain “.com” which, as stated in a number of prior decisions rendered under the UDRP, are not sufficient to exclude the likelihood of confusion.

2. The Complainant stated that the Respondent is not affiliated with or authorized by the Complainant in any way. There is no evidence of the fact that the Respondent might have been commonly known by the disputed domain name or by a name corresponding to the disputed domain name. According to the evidence on records, the Respondent has simply passively held the disputed domain name and has not submitted any evidence showing that it made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, or that it has made a legitimate non-commercial or fair use of the disputed domain name. Therefore, and due to the absence of a

Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

3. As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness of the Complainant's trademarks, with which the disputed domain name is confusingly similar, and of the prior registration and use of the Complainant's trademarks, the Respondent was more likely in bad faith than not aware of the Complainant and its trademarks at the time of the registration of the disputed domain name.

The disputed domain name has not been used in connection with an active website, i.e. has been passively held. As established in a number of prior cases, the concept of "bad faith use" in paragraph 4(b) of the Policy includes not only positive action but also passive holding, especially in cases of domain name registrations corresponding to distinctive and well-known trademarks (i.e. the landmark case Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CA-ADHESION-LBPS-CREDIT-AGRICOLE.COM**: Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2017-12-11

Publish the Decision