Decision for dispute CAC-UDRP-101749

Case number	CAC-UDRP-101749
Time of filing	2017-10-27 09:41:21
Domain names	service-w3creditagricole.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Vanessa Suares

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 submitted evidence that it is the registered owner of various trademarks CREDIT AGRICOLE and CA CREDIT AGRICOLE:

- CREDIT AGRICOLE: International trademark (UA-AL), word trademark, application number 1064647, date of registration: 4 January 2011, various goods and services in classes 9, 16, 35, 36, 38, 42

- CA CREDIT AGRICOLE: International trademark (various countries), figurative trademark with word elements, application number 525634, date of registration: July 13, 1988, various goods and services in classes 16, 35, 36

- CREDIT AGRICOLE: International trademark (various countries), figurative trademark with word elements, application number 441714, date of registration: October 25, 1978, various goods and services in classes 16, 35, 36, 42

- CREDIT AGRICOLE: EU trademark, word trademark, application number 006456974, date of registration: 23 October 2008, various goods and services in classes 9, 16, 35, 36, 38, 42

- CA CREDIT AGRICOLE: EU trademark, figurative trademark with word elements, application number 005505995, date of registration: 20 December 2007, various goods and services in classes 9, 36, 38

FACTUAL BACKGROUND

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

Complainant is one of the largest banks in Europe, and particularly in France. Complainant assists its clients 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, etc.

The disputed domain name <servicew3creditagricole.com> was registered by the Respondent on October 23, 2017.

The disputed domain name does not resolve to an active website.

I
- CAC Case n° 101402 CREDIT AGRICOLE SA v. William Philippe
- CAC case n° 101376 CREDIT AGRICOLE SA v. LINA MARIA
- WIPO case no. D2016-1668 Crédit Agricole S.A. v. Ronaldo Kabisa, Ronaldo Mika
- CAC case no. 101277 Crédit Agricole S.A. v. A Happy Dreamhost Customer

II
- WIPO case no. D2003-0455 Croatia Airlines d.d. v. Modern Empire Internet Ltd
- WIPO case No. D2000-1164, Boeing Co. v. Bressi
- NAF case No. FA109697, LFP, Inc. v. B & J Props

III
- 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
- CAC case 101281 CREDIT AGRICOLE S.A. v. JOSEPH Kavanagh

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

A. Identical or confusingly similar

The disputed domain name 'service-w3creditagricole.com' consists of the Complainant's registered mark CREDIT AGRICOLE (in its entirety), with the addition of the generic word 'service', the letter 'w', and the number '3'. There is also the addition of a hyphen and of the '.com' suffix, which may be disregarded when it comes to considering whether a domain name is confusingly similar to a trade mark in which the Complainant has rights.

As a result, given the distinctiveness of the CREDIT AGRICOLE mark(s) of the Complainant, given the fact that the registered CREDIT AGRICOLE trademark of the Complainant has been included in its entirety in the domain name, and given the minor changes to the domain name (addition of a hyphen, a generic word, a letter and a number), the Panel concludes that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

B. Rights or legitimate interests

The Panel finds from the facts put forward that:

The Complainant contends that the Respondent is not affiliated with it nor authorised by it to use the CREDIT AGRICOLE trademark(s).

The Respondent does not appear to have any rights or legitimate interests associated with the CREDIT AGRICOLE trademark(s).

There is no evidence that the Respondent is commonly known by the CREDIT AGRICOLE trademark(s), by the domain name, or by the combination of words, letters and numbers SERVICE-W3CREDITAGRICOLE. The Respondent does not seem to have any consent to use the CREDIT AGRICOLE trademarks.

There is no evidence to show the Respondent may have used the disputed domain name for a bona fide offering of goods or services of its own. The domain name points to an inactive website (non use / passive holding), with the following sentence in Polish: “Strona www niedostępna”, which translates in English as “website not available”.

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests. The Panel also notes that the Respondent did not come forward with any evidence or allegations of rights or legitimate interests in the domain name. The Respondent did in fact not file any administratively compliant (or other) response.

On the balance of probabilities, and in the absence of any evidence to the contrary being put forward by the Respondent, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii)of the Policy.

C. Bad faith registration and use

The Panel notes that the CREDIT AGRICOLE trademarks in which the Complainant has rights predate the registration of the disputed domain name.

There is no indication before the Panel that the Respondent has been authorised or licensed by the Complainant to use the CREDIT AGRICOLE trademark(s) in the Respondent's domain name. The Panel further notes that the Respondent did not file any response and thus did not object to any of the contentions made by the Complainant.

Given the international business presence of the Complainant and the well-known character of the CREDIT AGRICOLE trademark(s), it seems highly unlikely to the Panel that the Respondent would not have been aware of the unlawful character of the disputed domain name at the time of its registration and use.

In the absence of any evidence to the contrary (or any administratively compliant response) being put forward by the Respondent, the Panel believes from the facts in this case that the Respondent had the CREDIT AGRICOLE trademark(s) in mind when registering and subsequently using the disputed domain name.

In the given circumstances, the registration and use of a well-known trademark (registered inter alia for financial and banking services), in combination with an inactive website, is accepted by the Panel as sufficient evidence of bad faith registration and use.

For all of the reasons set out above, the Panel determines that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SERVICE-W3CREDITAGRICOLE.COM**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2017-12-13

Publish the Decision