Decision for dispute CAC-UDRP-101766

Case number	CAC-UDRP-101766
Time of filing	2017-11-08 09:08:49
Domain names	ce-g3-enlignecredit-agricole.info

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Joe Willians

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of several trademark registrations containing and or consisting of the terms “CREDIT AGRICOLE” in particular international figurative trademark “CA CREDIT AGRICOLE” no. 441714 registered on 25.10.1978 for goods and services in classes 16, 35 and 36 and international verbal trademark “CREDIT AGRICOLE “ no. 1064647 registered since 04.01.2011 for goods and services in classes 9, 16, 35, 36, 38 and 42.

Moreover, it is the owner of various domain names including the term “CREDIT AGRICOLE”, in particular < credit-agricole.com> created on 31.12.1999.

FACTUAL BACKGROUND

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

The Complainant claims to be the leader in retail banking in France and one of the largest banks in Europe. It 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 further contends the distinctiveness and reputation of its trademarks.

The Disputed Domain Name <ce-g3-enlignecredit-agricole.info> was registered 02.11.2017 and resolves to an inactive page since its registration.

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

1. The Panel finds that the Disputed Domain Name <ce-g3-enlignecredit-agricole.info> is confusingly similar to Complainant's trademarks. Many panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety. Also in this case the Complainant's registered trademark "CREDIT AGRICOLE" is fully included in the Disputed Domain Name.

Furthermore, it is the view of this Panel that the addition of the further elements "CE", "G3", and "ENLIGNE" (which means "ONLINE" in English) do not add distinctive matter so as to distinguish it from Complainant's trademark.

2. In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name <ce-g3-enlignecredit-agricole.info>.

In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. In addition, the Respondent is not commonly known by the Disputed Domain Name.

Finally, the website to which the Disputed Domain Name resolves is an inactive webpage. This can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. In fact, there is no use at all.

3. Finally, the Panel finds that the Disputed Domain Name has also been registered and is being used in bad faith.

It is the view of this Panel that the Respondent has intentionally registered the Disputed Domain Name, which fully includes the Complainant's trademark "CREDIT AGRICOLE". In addition, the Panel notes that Complainant's trademark "CREDIT

AGRICOLE" is deemed well-known. Therefore, it is the view of this Panel that the Respondent, who is resident in France, knew or should have known that the Disputed Domain Name is highly similar to Complainant's trademark when he registered the disputed domain name. Registration of a domain name in awareness of a reputed trademark and in the absence of rights or legitimate interests amounts to registration in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CE-G3-ENLIGNECREDIT-AGRICOLE.INFO**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2017-12-18

Publish the Decision