Decision for dispute CAC-UDRP-101782

Case number	CAC-UDRP-101782
Time of filing	2017-12-04 10:09:51
Domain names	agricolcreditandinvestiment.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	eric jean lesueur

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant uses the domain name “CREDIT-AGRICOLE.COM” as its official web site. The Complainant is the owner of the following trademark registrations:

- "CREDIT AGRICOLE", international registration no. 1064647, registration date 04 January 2011
- "CA CREDIT AGRICOLE and device", international registration no. 525634, registration date 31 July 1988
- "CA CREDIT AGRICOLE and device", international registration no. 441714, registration date 25 October 1978
- "CREDIT AGRICOLE", EUTM no. 006456974, registration date 23 October 2008
- "CA CREDIT AGRICOLE and device", EUTM no. 005505995, registration date 20 December 2007
- "CA CREDIT AGRICOLE and device", USA registration no. 1599297, registration date 5 June 1990

The Respondent registered the disputed domain name "AGRICOLCREDITANDINVESTIMENT.COM" on 22 November 2017.

FACTUAL BACKGROUND

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

The Complainant is a bank based in Montrouge, France. The Complainant is leading company in the retail banking business in France and one of the largest banks in Europe in accordance to the information available on the website of the Complainant, CREDIT-AGRICOLE.COM. The Complainat assists its clients' projects in France and around the world, in all areas of banking and trades associated with it e.g. insurance management, asset leasing and factoring, consumer credit, coporate and investment.

The Respondent is an Benin citizen, who is represented by a Registry based in Denmark. On 22 November 2017 the Respondent registered the disputed domain name "AGRICOLCREDITANDINVESTIMENT.COM". The Respondent uses the disputed domain name for commercial purposes and offers services similar to the Complainants' services on the disputed domain name.

The Complainant, represented by the company nameshield, Ms. Maxime Benoist, France, filed the Complaint against the Respondent claiming that the Respondent registered the disputed domain name without rights or legitimate interest and is using and registered the disputed domain name in bad faith. Therefore the Complainant requests that the disputed domain name is transferred from the Respondent to the Complainant.

PARTIES CONTENTIONS

No administratively compliant Response has been filed by the Respondent.

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

IDENTICAL OR CONFUSINGLY SIMILAR

The disputed domain name "AGRICOLCREDITANDINVESTIMENT" consists of the Complainant's registered mark "CREDIT AGRICOLE" in its whole - but with the two words in reverse order and without the letter "E" at the end of the word "AGRICOLE". The disputed domain name also consists of the generic word "AND" and the word "INVESTIMENT", which is French for the generic english word "INVESTMENT". The disputed domain also contains an addition of the ".COM" suffix.

The fact that the Respondent had chosen the reverse order of words does not change the likelihood of confusion. It does not prevent the likelihood of confusion regardless of the other terms in the domain name.

Gven the distinctiveness of the CREDIT AGRICOLE mark(s) belonging to the Complainant, given the fact that the registered "CREDIT AGRICOLE" trademark of the Complainant has been included in its entirety in the domain name despite of the misspelling, and given the minor changes to the domain name (addition of two generic words, the ".COM" suffix and the misspellings), the Panel concludes that the disputed domain name is confusingly similar to the trademark(s) belonging to

the Complainant within the meaning of paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Further the Complainant contends that the Respondent is not related to the Complainant.

The disputed domain name is either used as a commercial website to offer financial products in competition with the Complainant or as a website with the sole purpose to divert consumers to the disputed domain instead of domains belonging to the Complainant.

The Complainant contends that the Respondent does not carry out any activity for, nor has any business with the Respondent. The Complainant has not granted any authorization or license to the Respondent to make any use of the Complainants trademarks and the Complainant has not given any consent to the Respondent to apply for registration of the disputed domain name.

The Complainant further contends that the Respondent has not developed a legitimate use in respect of the disputed domain name, and is not using the domain to make a bona fide offering of goods or services. The Respondent is not making a legitimate non-commercial or fair use of the disputed domain name.

The Panel has found no evidence that the Respondent is commonly known by the "CREDIT AGRICOLE" trademark, by the domain name, or by the combination of words "AGRICOLCREDITANDINVESTIMENT".

Based on the above, 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.

BAD FAITH

The Complainant contends that the Respondent is trying to attract internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks and domains. The Complainant seeks to provide evidence for this bad faith use by submitting evidence that an official promotion video of the Complainant is included on the disputed domain name. The video leads visitors to believe that there is a connection between the services offered on the disputed domain and the Complainant.

The Panel finds that it would be very unlikely that the Respondent didn't know of the Complainant's prior trademark rights at the time of registration of the disputed domain name, and the Panel therefore concludes that the Respondent has used the disputed domain name to intentionally mislead visitors of the disputed domain name for commercial gain.

Based on the above, the Panel concludes that the Respondent has both registered and is using the disputed domain name 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. **AGRICOLCREDITANDINVESTIMENT.COM**: Transferred

PANELLISTS

Name	**Lars Karnoe**

DATE OF PANEL DECISION 2018-01-08

Publish the Decision