Decision for dispute CAC-UDRP-101803

Case number	CAC-UDRP-101803
Time of filing	2017-12-13 08:40:59
Domain names	amundi-global.com

Case administrator

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

Complainant

Organization	AMUNDI S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	John Crawford

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant through its associated company Amundi Asset Management S.A. is the owner of the international trademark AMUNDI, with registration number 1024160 and registration date 24 September 2009.

FACTUAL BACKGROUND

According to the information provided Complainant is a leading asset management company with offices around the world in over 30 countries. In addition to the international trademark AMUNDI Complainant operates a website containing the AMUNDI trademark, in particular under “www.amundi.com”.

The disputed domain name <amundi-global.com> was registered on 6 April 2017.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusing similar to Complainant's trademark as it contains the trademark AMUNDI in its entirety.

According to Complainant Respondent has no rights or legitimate interest in the disputed domain name. Respondent is not related in any way with the business of Complainant. According to the submission and evidence provided by Complainant the disputed domain name is used for fraudulent phishing purposes and in order to defraud clients of Complainant.

According to Complainant the disputed domain name is registered in bad faith. Given the distinctiveness of Complainant's trademark, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademark. Further, Complainant submits that Respondent uses the disputed domain name in connection with a fraudulent phishing scheme.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (paragraph 4 (a)(i) of the Policy). Many UDRP decisions 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 or the principal part thereof in its entirety. The top-level domain “com”, the addition of the descriptive term “global” and the hyphen in the disputed domain name may be disregarded.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. In particular the Panel takes into account the undisputed submission of Complainant, supported by evidence, that the disputed domain name is used for fraudulent phishing purposes. It appears that Respondent, in a fraudulent scheme impersonating to be the UK subsidiary of Complainant, uses the disputed domain name to send e-mails to potential customers effectively trying to encourage such customers to transfer money to Respondent.

Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (paragraph 4 (a)(ii) of the Policy).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii) of the Policy). The trademark of Complainant has been existing for a long time and is well-known. Respondent knew or should have known that the disputed domain name included Complainant's trademark.

The Panel also notes the fraudulent use of the disputed domain name as mentioned above.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDI-GLOBAL.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2018-01-10

Publish the Decision