# Decision for dispute CAC-UDRP-101840

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| Case number | CAC-UDRP-101840 |
| Time of filing | 2018-01-15 09:03:09 |
| Domain names | wwwg3-ca-enlgine.com |

## Case administrator

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

## Complainant

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| Organization | Credit Agricole SA |

## Complainant representative

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| Organization | Nameshield (Maxime Benoist) |

## Respondent

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| Name | PATRICE JONATHAN |

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

In these proceedings, the Complainant mainly relies on its following trademarks:

- International trademark registration no. 441714 “CA CREDIT AGRICOLE”, registered on October 25, 1978 and duly renewed, in classes 16, 35, 36 and 42, not covering Mexico;
- International trademark registration no. 1064647 “CREDIT AGRICOLE”, registered on January 4, 2011 and duly renewed, in classes 9, 16, 35, 36, 38 and 42, not covering Mexico;
- EU trademark registration no. 005505995 “CA CREDIT AGRICOLE”, registered on November 12, 2006 and duly renewed, in classes 9, 36 and 38.

FACTUAL BACKGROUND

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

According to the evidence filed by the Complainant and not disputed by the Respondent, the Complainant is the largest retail bank 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, such as insurance management asset leasing and factoring, consumer

credit, corporate and investment.

The Complainant owns a significant portfolio of trademarks including the wording "CA CREDIT AGRICOLE". Further, the Complainant is also the owner, among others, of the domain name <CREDIT-AGRICOLE.COM>, registered in its name since December 12, 1999.

The Disputed domain name <WWWG3-CA-ENLGINE.COM> was registered on January 8, 2018 by the Respondent with PDR Ltd. d/b/a PublicDomainRegistry.com.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the Disputed domain name is confusingly similar to its CA CREDIT AGRICOLE trademarks; that the Respondent lacks rights or legitimate interests in the Disputed domain name, and; that the Respondent registered and used the Disputed domain name in bad faith.

RESPONDENT:

No administratively compliant response has been filed.

RIGHTS

The Complainant has not provided as evidence any trademark registration for the mark “CA” alone. It rather claims confusing similarity of the Disputed domain name with its trademarks “CA CREDIT AGRICOLE”.

There is no doubt to the eyes of the Panel that, on the basis of the evidence provided by the Complainant, as well as of the independent research conducted by the Panel on the web and of the Panel’s general knowledge, the two letters “CA” are an abbreviation of the full name of the Complainant, CREDIT AGRICOLE, which was founded decades ago. The Panel is satisfied by the evidence provided that the Complainant seems to be quite known as “CA” in France and elsewhere in its field of business. This fact is being legitimately reflected online by the “CA” logo depicted on the Complainant’s various websites. The question that arises next, obviously, is whether the Complainant, through its reputation and market use in Denmark would be entitled to claim sufficient trademark rights on a two-letter mark, “CA”, a fact that could benefit the Complainant’s claim of transfer of ownership of the disputed domain name from the Respondent.

The Panel is comfortable to state that, two-letter marks have, in general, low distinctiveness (NB: the few exceptions that exist are confirming the rule). What is more, the abbreviation “CA” can be found on simple word searches on the web to mean many different things, such as Canada, California, Chartered Accountant, etc., while “CA Credit” on Google reveals websites of various Californian credit unions, leaving only “CA Agricole” to refer to the Complainant. The fact that, no domain names of the Complainant exist for “CA” alone (e.g. ca.com, ca.org, ca.net, ca.fr), reinforces this opinion of the Panel. It would, admittedly, be far-fetched to recognize - in the absence of any registered trademarks for “CA” alone - exclusive trademark rights on “CA” to the Complainant, only on the basis of its claims and allegations, which are clearly not enough to establish sufficient trademark rights for the purposes of the Policy. At the same time, it would of course be also unfair to recognize any rights to the Respondent on “CA” (especially vis-à-vis the Complainant), but that is a different matter that the Panel is not called to decide at present. It is an uncontested fact to the Panel - in view of the evidence provided by the Complainant itself - that, the Complainant’s use (in both trademark registrations and in the marketplace) of the abbreviation “CA” focuses mainly - with few exceptions - on the combination of “CA” with the words “CREDIT AGRICOLE” or with geographical terms, but not on “CA” alone (NB: for a similar analysis, see CAC Case No. 100591, where this Panelist presided a 3-member panel).

Even if, for the sake of argument, the Panel would consider unregistered trademark rights in favour of the Complainant, it is

unfortunate to note that, no such claim has been made by the Complainant, but also that, no sufficient evidence of common law use has been brought by the Complainant to prove such eventual claim.

Furthermore, if one follows the legal thinking of the Panel in CAC Case No. 100535 for the abbreviation “wnp” (a three-letter abbreviation), it is clear that - despite the low threshold test, the purpose of which is effectively to assess whether a complainant has sufficient rights so as to give it standing to bring a complaint - it would indeed be too much for the Complainant to ask the present Panel to find confusing similarity in relation to the use in a domain name of only two (2) letters to be found in a (if spaces are to be ignored) 17 character trademark. There is not a sufficient degree of similarity between the two to satisfy the test of “confusing similarity” under the Policy.

The Panel has searched for similar UDRP cases of the Complainant. In more than a dozen WIPO cases and in a few CAC cases, the Complainant had its complaints accepted for domain names wholly incorporating its trademarks “CREDIT AGRICOLE”. However, it seems that in only two main cases the Complainant has filed complaints for domain names incorporating the abbreviation “CA” alone. In WIPO case D2015-2250 <ca-savoie.com>, the Complainant won on the basis of its trademark “CA DES SAVOIE UTILE A TOUS”, whereas in CAC case (adr.eu, not UDRP) no. 07371 the domain name <ca-languedoc.eu> was transferred to the Complainant, because of the combination of the geographical term “Languedoc” (where the Complainant actively operates) with the abbreviation “CA”, which seems to be of practice for the local French branches of the Complainant. Therefore, the Panel has not found any successful UDRP cases of the Complainant that concern the abbreviation “CA” alone.

On an additional note, while the Panel agrees with the Complainant’s position on the generic character of the “WWWG3“ component of the disputed domain name, as well as about the gTLD <COM>, the Panel - even if it fluently understands French - cannot share the opinion of the Complainant about the word “ENLGINE“, which, if it weren’t for the Complainant to state, would never make an allusion to the words “en ligne”, but rather to something unidentifiable or, at most, to the word “engine”. Perhaps the Panel’s opinion would be different, if the disputed domain name wholly incorporated the Complainant’s trademarks “CREDIT AGRICOLE”, but this is not for this Panel to address in the current proceedings.

In conclusion, the Panel finds that the Complainant has not shown, to the satisfaction of the Panel, that 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

As a result of the above conclusion on the first requirement of paragraph 4(a) of the Policy, the Panel considers not necessary this second element. The Panel will, therefore, not examine the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

As a result of the above conclusion on the first requirement of paragraph 4(a) of the Policy, the Panel considers not necessary this third element. The Panel will, therefore, not examine the requirement under 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

The Complainant has failed to prove that it has trademark rights on the abbreviation “CA” alone, sufficient for the purposes of the Policy, which would justify a transfer of ownership of the Disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **WWWG3-CA-ENLGINE.COM**: Remaining with the Respondent

## PANELLISTS

| Name | **Sozos-Christos Theodoulou** |
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DATE OF PANEL DECISION 2018-02-23

Publish the Decision