Decision for dispute CAC-UDRP-101951

Case number	CAC-UDRP-101951
Time of filing	2018-04-06 09:10:45
Domain names	amunipioneer.com

Case administrator

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

Complainant

Organization	AMUNDI S.A.

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Privacy Services Limited

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

It results from the evidence provided that the Complainant is the registered owner of national French trademark no. 4375549 <AMUNDI PIONEER> (verbal) registered on 3 November 2017 for services in class 36.

FACTUAL BACKGROUND

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

According to the Complainant's undisputed allegations, the Complainant has been established in 2010 by Crédit Agricole and Société Générale to regroup the activities of asset management. The Complainant claims to rank in the worldwide top 10 in the asset management industry.

The Disputed Domain Name <amunipioneer.com> has been registered on 26 March 2018.

The website to which the Disputed Domain Name resolves displays a parking page with commercial links (“PPC”) amongst others also in French language ("Assurance auto" or "Location voiture").

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 <amunipioneer.com> is confusingly similar to the Complainant’s prior trademark <AMUNDI PIONEER>. As a matter of fact, it entirely contains Complainant’s trademarks in a "typo"-version, where the letter "D" has simply been omitted. The Panel considers this difference as not being sufficient to render the Disputed Domain Name dissimilar to the Complainant’s registered trademark.

2.
In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel holds that the Complainant successfully presented a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. In particular, it results from the Complainant's undisputed allegeations and evidence that 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. Moreover, the Respondent has not demonstrated any preparations to use the Disputed Domain Name in connection with a bona fide offering goods or services. In this context. Finally, the Panel has not been presented any evidence that could lead the Panel to the conclusion that the Respondent is commonly known by the Disputed Domain Name or that he has acquired trademark rights.

3.
Finally, the Panel holds that the Disputed Domain Name has been registered and is being used in bad faith. The Complainant provided evidence that the Respondent is using the Disputed Domain Name to lead to a parking page containing pay-per-click links that generate profit to the Respondent which the Panel deems sufficient to show that profit or "commercial gain" was made by the Respondent. In the Panel's view, these facts, including the absence of any legitimate interest and the use of a proxy service, confirm that the Disputed Domain Name has been registered and is being used in bad faith, in particular to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNIPIONEER.COM**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2018-05-16

Publish the Decision