Decision for dispute CAC-UDRP-101964

Case number	CAC-UDRP-101964
Time of filing	2018-04-18 10:58:15
Domain names	ca-alps-credit-agricole.com

Case administrator

Name	Sandra Lanczová (Case admin)

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	alexadra jean paris

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that relate to the Disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademarks including the distinctive wording CREDIT AGRICOLE, including:
- International trademark CA CREDIT AGRICOLE no. 441714 registered since 25 October 1978;
- International trademark CREDIT AGRICOLE no. 1064647 registered since 4 January 2011;
- EU trademark CA CREDIT AGRICOLE no. 005505995 registered since 20 December 2007.
("Complainant's Trademarks")

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Claimant (and supported by the documentary evidence submitted by the Claimant) and unchallenged by the Respondent:

(a) CREDIT AGRICOLE S.A. is the leader in retail banking in France and one of the largest banks in Europe;

(b) the Complainant is the owner of the Complainant's Trademarks;

(c) the Complainant owns various domain names including the same distinctive wording CREDIT AGRICOLE;

(d) the Disputed domain name was registered by the Respondent on 7 March 2018; and

(e) the Disputed domain name has been inactive since its registration.

The Complainant seeks cancellation of the Disputed domain name.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) Disputed domain name is confusingly similar to the Complainant's Trademarks as addition of generic term "alps" does not diminish confusing similarity;

(ii) the Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademarks. The Complainant does not carry out any activity for, nor has any business with the Respondent. There is no website under the Disputed domain name and no indication of preparation for its use was established in these proceedings. Therefore, the Respondent has no legitimate interest in the Disputed domain name;

(iii) given the distinctiveness of the Complainant's Trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks. Together with inactivity of the Disputed domain name this amounts to bad faith in registration and use of the Disputed domain name;

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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

Paragraph 4(a) of the UDRP Policy requires that the Complainant proves each of the following three elements to obtain an order that the Disputed domain name should be transferred or revoked:

(i) the Disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has

rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the Disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

RIGHTS

The Disputed domain name is confusingly similar to the Complainant’s Trademarks. The Disputed domain name includes words "CA" and "Credit Agricole" which are the elements of Complainant's Trademarks. The Panel fully agrees with the Complainant that addition of the generic term "Alps" to the Disputed domain name does not in any way diminish confusing similarity of the Disputed domain name with Complainant's Trademarks.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration. Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the UDRP.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the Disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the Disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent did not establish any right or legitimate interest to the Disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant is a well known bank with global presence which is also present in Mexico where the Respondent allegedly resides. The Panel has no doubt that Complainant's Trademarks are well known around the world and enjoy a high degree of distinctiveness (in particular in the territories where French is not native language). Therefore it is reasonable to conclude that the Respondent could and should have been aware of the Complainant's rights to its Trademarks at the time of registration of the Disputed domain name. The Panel emphasizes that it is the responsibility of the Respondent to determine whether the domain name infringes or violates someone else's rights (Paragraph 2 of the Policy).

Under such circumstances the Panel is convinced that the Disputed domain name has been registered and is being used by the Respondent 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. CA-ALPS-CREDIT-AGRICOLE.COM:

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2018-05-19

Publish the Decision