# Decision for dispute CAC-UDRP-102069

| | |
|---|---|
| Case number | CAC-UDRP-102069 |
| Time of filing | 2018-06-29 13:58:16 |
| Domain names | amundi-mon-compte.review |

## Case administrator

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

## Complainant

| | |
|---|---|
| Organization | AMUNDI |

## Complainant representative

| | |
|---|---|
| Organization | Nameshield (Enora Millocheau) |

## Respondent

| | |
|---|---|
| Organization | INTELLITRADE LIMITED |

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings the Panel is aware of which are pending or decided and which related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several registered trademarks, including international trademark registration number 1024160 AMUNDI, registered on September 24, 2009. The Complainant has also registered several domain names including <amundi.com>.

FACTUAL BACKGROUND

The Complainant is a subsidiary jointly created in 2010 by Crédit Agricole and Société Générale to regroup their activities of asset management. According to the Complainant, it ranks in the worldwide top 10 in the asset management industry with € 1.452 trillion worldwide in Assets under Management. The Complainant prides itself on its'high-quality client relationship. It contends that its' Trademark AMUNDI is a well-known mark and enjoys an excellent reputation worldwide.

The disputed domain name was registered by the Respondent on 19 June 2018, long after the Complainant registered its trademark. The website under the disputed domain name resolves to a website displaying information that appear to associate the Respondent with the Applicant, showing the Applicant's trademark and other information from the Applicant's website.

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.
A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant is the owner of trademark registrations for AMUNDI among which is international trademark registration number 1024160, since September 24, 2009.
The Complainant is also the owner a number of domain names which include its' registered Trademark, among which are: <amundi.com>; <amind-assatmangemenrt.com>; <amundi-capitalinvestment.com>.
The disputed domain name <amundi-mon-compte.review> consists of the Complainant's registered trademark in its entirety with an addition of the words "my account" in the French language, hyphens between the words, and the addition of the gTLD ".review".
The words "my account" had been acknowledged as a generic term by several other panels (See, for example, FORUM Case No. 1218169, Pacific Life Insurance Company and Pacific Life and Annuity Company v. Transure Enterprise Ltd.; WIPO Case No. D2012-1560 Southern California Gas Company v. Private Registrations Aktien Gesellschaft / PrivacyProtect.org).
Previous panels have asserted that if the relevant trademark is recognizable within the disputed domain name an addition of other generic or descriptive terms would not prevent a finding of confusing similarity under the first element (See WIPO Overview 3.0, paragraph 1.8)

This Panel finds that the addition of a generic term and hyphens is insufficient to distinguish the disputed domain name from Complainant's registered trademark. This, alongside the addition of the gTLD ".review", does not, under the particular circumstances of this case, escape the conclusion that the disputed domain name is confusingly similar to the Complainant’s trademark. In fact, in the particular circumstances of this case, the gTLD “.review” seems to add to the confusion as Internet users may be misled to believe that the Respondent is connected with the Applicant, which provides a review of their account with the Complainant.
Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainants' trademark.

B. Rights or Legitimate Interests

Once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), paragraph 2.1).

In the present case, the Complainant has demonstrated to the Panel that the Respondent lacks rights or legitimate interests in respect of the disputed domain name, it is not affiliated with the Complainant or authorized by it in any way.
The Panel finds that the Complainant has established a prima facie case in this regard, inter alia, since the Complainant owns the AMUNDI trademark long before the disputed domain name was registered and has not licensed or otherwise permitted the Respondent to use its trademark.
The Respondent is not commonly known by the disputed domain name but rather as “INTELLITRADE LIMITED”. The Respondent has not submitted a response and did not provide any evidence to show any rights or legitimate interests the disputed domain name that is sufficient to rebut the Complainant’s prima facie case.
In the circumstances of this case and in light of the Respondent’s use of the disputed domain name in order to be perceived as an affiliate of the Complainant, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must show that the Respondent registered and is using the disputed domain name in bad faith (paragraph 4(a)(iii) of the Policy). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.
The burden placed on the Complainant is to bring evidence showing circumstances that indicate that the Respondent registered and used the disputed domain name in bad faith.
The Panel will look into the totality of the circumstances in each case, and these can include evidence of the degree of distinctiveness or reputation of the mark, the failure of the Respondent to file a response and the implausibility of any good faith use to which the disputed domain name may be put.
The Complainant has submitted evidence, which shows that the Respondent registered the disputed domain name long after the Complainant registered its trademarks. According to the evidence filed by the Complainant, the Complainant has owned the trademark since the year 2009 while the disputed domain name was registered on June 19, 2018. The Complainant's prior registered trademarks are suggestive of the Respondent's bad faith (see Sanofi-Aventis v. Abigail Wallace, WIPO Case No. D2009-0735).
Furthermore, the website to which the disputed domain name resolves to displays the Complainant's trademark AMUNDI and information which appear to suggest that Respondent is connected with the Complainant in the French language. It appears that such information was taken from the Complainant’s website. Such conduct appears to be meant to divert Internet users to the Respondent website for commercial gain. Such conduct is clear evidence of bad faith registration and use of the disputed domain name. (See, FORUM Case No. 1741737 Ripple Labs Inc. v. NGYEN NGOC PHUONG THAO).
In addition, the use of the words “my account” in the disputed domain name and on the website to which the disputed domain name resolves, in the particular manner used by the Respondent, may lead Internet users to believe that they can provide their account number at the Complainant and receive associated services, although ultimately they are diverted to the website under the Respondent’s control. In this context, the use of the French language is a further misleading facet as the Complainant is a French company. Such behavior is also an indication of bad faith registration and use of the disputed domain name.
Finally, the website to which the disputed domain name resolves to suggests mala fides on the part of the Respondent. The home page seems to request users to enter their e-mail address and the language seems to suggest that users can log in with their account number on their employee savings statement. Such language may suggest an attempt to phish information or to pass as the Complainant. Either way, such behavior is another clear evidence of bad faith registration and use of the disputed domain name.
Considering these facts, including the absence of a Response, the Panel finds that the Respondent has registered the disputed domain name in bad faith and has used the disputed domain name to attract Internet users on its website by creating a likelihood of confusion with the Complainant’s trademark as to source, affiliation or endorsement, in the meaning of paragraph 4(b)(iv) of the Policy, and thus acted in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDI-MON-COMPTE.REVIEW**: Transferred

## PANELLISTS

| | |
|---|---|
| Name | **Mr. Jonathan Agmon** |

DATE OF PANEL DECISION 2018-08-07

Publish the Decision