Decision for dispute CAC-UDRP-102143

Case number	CAC-UDRP-102143
Time of filing	2018-08-31 10:10:00
Domain names	credtagric.online

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Super Privacy Service LTD c/o Dynadot

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is, inter alia, proprietor of the International Registration 1064647 "Credit Agricole", applied for and registered on January 4, 2011 in several classes.

FACTUAL BACKGROUND

The Complainant is one of the leading French banks and belongs to the largest banks in Europe. The disputed domain name was registered on August 23, 2018 and points to a website with no material content.

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

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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

The Complainant has established the fact that it has valid trademark rights for the sign Credit Agricole which is, as acknowledged by several panels, well and/or widely known (see CAC Case No. 101281, Credit Agricole S.A. v. Joseph Kavanagh).

The disputed domain name is confusingly similar to this trademark of the Complainant since the overall impression of "credtagric.online" is still sufficiently similar to "credit agricole" in a phonetical way but also in an optical way. Other panels came to equivalent decisions in cases where only a few letters were different amonst the signs to compare, such as

- WIPO Case No. D2016-1200, Credit Agricole S.A. v. Olivier Merey / Maurictte Merey, <credt-agricole.com> <credit-agricoe.com>
- WIPO Case No. D2015-0472, Crédit Agricole S.A. v. Dong Hui,<credi-agricole.com>
- WIPO Case No. D2011-1739, Crédit Agricole S.A. v. Magdalena Bialowas, (<credit-agrigole.com>)

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark "Credit Agricole" in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the term "credtagric.online" or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. The Respondent has not come forward to rebut the Complainant's assertion in this regard.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name was not resolving to an active website at the time of filing. However, the consensus view amongst WIPO panelists is that "the apparent lack of so-called active use of the domain name without any active attempt to sell or to contact the trade mark holder (passive holding), does not as such prevent a finding of bad faith. The panel must examine all the circumstances of the case to determine whether the respondent is acting in bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include the complainant having a well-known trade mark, no response to the complaint having been filed, and the registrant's concealment of its identity". See paragraph 3.3 of the WIPO

Overview 3.0. In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent's non-use of the disputed domain name is in bad faith. Such circumstances include the strength and renown of the Complainant's trade mark, the Respondent's failure to take part in the present proceedings and the use of a Privacy Service to conceal the Respondent's identity. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc. WIPO Case No. D2017-0246.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDTAGRIC.ONLINE**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2018-10-05

Publish the Decision