# Decision for dispute CAC-UDRP-102149

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| Case number | CAC-UDRP-102149 |
| Time of filing | 2018-09-06 16:11:44 |
| Domain names | amundi-e.com |

## Case administrator

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| Name | Šárka Glasslová (Case admin) |

## Complainant

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| Organization | AMUNDI S.A. |

## Complainant representative

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| Organization | Nameshield (Enora Millocheau) |

## Respondent

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| Organization | Milen Radumilo |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any pending or decided proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Canadian Trade Mark Registration No TMA813446
United States Trade Mark Registration No. 3879302

FACTUAL BACKGROUND

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

The Complainant is a French asset management company with over 4,700 employees in 37 countries around the world. Amundi has offices located in Europe, Asia-Pacific, the Middle-East and the Americas. The Complainant's business provides retail, institutional and corporate clients with investment strategies and solutions.

The Complainant has registered this trade mark in a number of countries, including Canadian Trade Mark Registration No TMA813446, which has a registration date of 17 November 2009 and United States Trade Mark Registration No. 3879302, which has a registration date of 29 September 2009.

The Complainant has been the registrant of the domain name <amundi.com> since 26th August, 2004, which it has used to direct to its own websites.

The disputed domain name was registered by the Respondent on 24 September 2018. It has been used by the Respondent to resolve to a parking site containing links used to redirect users to various websites that offer commercial services for sale, including the Complainant's services and the Complainant's competitors services. The text on the website itself states these links to both the Complainant's services and the Competitor's services are "sponsored listings".

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

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the domain name registered by the Respondent be transferred to the Complainant:

1) The domain name is identical or confusingly similar to a trademark or service mark ("mark") in which the Complainant has rights; and
2) the Respondent has no rights or legitimate interests in respect of the domain name; and
3) the domain name has been registered and is being used in bad faith.

The Panel is satisfied the Complainant has satisfied all three elements for the principal reasons set out below.

1. RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

The Complainant has demonstrated to the satisfaction of the Panel that it has registered rights in the trade mark AMUNDI that predates the registration of the disputed domain name by the Respondent.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the Panel is satisfied that the Complainant has registered rights in a trademark that predates the registration of the disputed domain name in a single jurisdiction (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijke KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO May 7, 2001); see also WIPO Case Nos. D2012-0141 and D2011-1436). The Panel is satisfied of such.

The next matter is therefore to address if the disputed domain name is confusingly similar to the trade mark AMUNDI.

The Panel disregards the gTLD suffix ".com" for the purpose of this comparison. However the Panel further notes that if such a suffix were to add anything it would only make the disputed domain name more similar to the Complainant's <amundi.com> domain name, which it has used and registered for over 14 years and which has the same suffix.

Hence the disputed domain name varies materially from the AMUNDI trademark only by way of the addition of "-e", which is unlikely to distinguish the disputed domain name in the eyes of an internet user from the trademark. The Panel refers to Inter Ikea Systems B.V. v. Ebills Online Services <ikea-j.com>., WIPO Case No. D2011-1948, where it was said that "the addition of a single letter and a dash is insufficient to avoid confusion".

2. NO RIGHTS OR LEGITIMATE INTERESTS

The Panel is unaware of any relevant rights or legitimate interests held by the Respondent. Further as the Respondent has failed to file a Response it would appear none exist.

3. BAD FAITH

As mentioned above, the disputed domain name has been used to redirect users to a website that offers various commercial services, including the Complainant's services and the Complainant's competitors' services through sponsored links. In such circumstances it seems highly unlikely the Respondent did not know of the Respondent's extensively used trade mark. Such conduct by the Respondent, which involves diverting traffic to competitors' websites, is for profit and act in bad faith. Therefore, the Panel concludes that all three elements under Paragraph (4)(a) of the Policy have been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDI-E.COM**: Transferred

## PANELLISTS

| Name | **Mr Andrew Norman Sykes** |
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DATE OF PANEL DECISION 2018-10-18

Publish the Decision