# Decision for dispute CAC-UDRP-102307

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| Case number | CAC-UDRP-102307 |
| Time of filing | 2019-01-18 10:01:01 |
| Domain names | cmb-credit-mutuel-de-bretagne.com |

## Case administrator

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| Name | Šárka Glasslová (Case admin) |

## Complainant

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| Organization | CREDIT MUTUEL ARKEA |

## Complainant representative

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| Organization | Nameshield (Enora Millocheau) |

## Respondent

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| Organization | 0657482388 |

OTHER LEGAL PROCEEDINGS

The panel is not informed of other legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the French figurative trademark “CREDIT MUTUEL DE BRETAGNE” for services in class 36, registered since December 03, 2014. The registration has application no 4139037.

FACTUAL BACKGROUND

The Complainant mainly asserts the following:

The disputed domain name is confusingly similar to the Complainant’s trademark “CREDIT MUTUEL DE BRETAGNE”. The addition of the term “CMB” and the hyphens is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark “CREDIT MUTUEL DE BRETAGNE”. It does not change the overall impression of the designation as being connected to the Complainant’s trademark “CREDIT MUTUEL DE BRETAGNE”. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark. The abbreviation “CMB” refers directly to the Complainant and its trademark “CREDIT MUTUEL DE BRETAGNE” as the Complainant’s customers can access to their bank account through the portal <cmb.fr>.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with nor

associated with the Complainant in any way.

The domain name was registered and is being used in bad faith. The Respondent had full knowledge of the Complainant's trademark and used it for the purpose of misleading and diverting Internet traffic. The disputed domain name <cmb-credit-mutuel-de-bretagne.com> was registered on January 5, 2019, i.e. years after the registration of the trademark of the Complainant. Besides, the disputed domain name redirects to a parking page with commercial links.

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

The Panel notes that the disputed domain name contains the Complainant's trademark in its entirety. The addition of the term "CMB" and the hyphens is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark and the Panel therefore finds the disputed domain name confusingly similar to the Complainant's trademark "CREDIT MUTUEL DE BRETAGNE". Accordingly, the Panel finds the requirements of paragraph 4(a)(ii) of the Policy fulfilled.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not proven otherwise. The Panel therefore finds the requirements of paragraph 4(a)(ii) of the Policy fulfilled.

The disputed domain name was registered after registration of the Complainant's trademark. The Panel finds that it is very unlikely that the Respondent registered the disputed domain name without knowledge of the Complainant's trademark. This impression is strengthened by the use of the abbreviation "CMB", which the Complainant's uses for its banking portal <cmb.fr>. The Panel therefore finds that the paragraph 4(a)(iii) of the Policy is fulfilled.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CMB-CREDIT-MUTUEL-DE-BRETAGNE.COM**: Transferred

## PANELLISTS

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| Name | **Prof. Dr. Lambert Grosskopf, LL.M.Eur.** |

DATE OF PANEL DECISION 2019-02-24

Publish the Decision