Decision for dispute CAC-UDRP-102566

Case number	CAC-UDRP-102566
Time of filing	2019-07-09 13:54:25
Domain names	crédit-agricole.foundation, créditagricole.foundation

Case administrator

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

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	BIG PRINTS INDIA

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant CREDIT AGRICOLE S.A. own several trademarks including the distinctive wording “CREDIT AGRICOLE”, such as the following trademark registrations:

- CREDIT AGRICOLE, European trademark registration no. 006456974, registered since 13 November 2007;

- CREDIT AGRICOLE, International registration no. 1064647, registered since 4 January 2011.

CREDIT AGRICOLE S.A. is also the owner of several domain names including the distinctive wording “CREDIT AGRICOLE” such as the following, <Creditagricole.com> – registered since 11 June 2001.

FACTUAL BACKGROUND

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

The Complaint was submitted by the Complainant, CREDIT AGRICOLE S.A., which is a retail bank in France. The Czech

Arbitration Court was requested to submit this Complaint for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, the Rules for Uniform Domain Name Dispute Resolution Policy, and CAC's UDRP Supplemental rules of the Czech Arbitration Court.

The Complainant is a bank incorporated in France.

CREDIT AGRICOLE is a bank assisting clients both in France and around the world in all areas of banking and trades associated therewith, i.e. insurance management asset leasing and factoring, consumer credit, corporate and investments.

CREDIT AGRICOLE owns the "Trademarks" as listed above in this decision.

CREDIT AGRICOLE also owns the goodwill in the CREDIT AGRICOLE brands, and in associated marketing.

The Respondent is the registrant of the domain <crédit-agricole.foundation> and <créditagricole.foundation>. The disputed domain names were registered on 26 June 2019.

The Respondent has no rights or legitimate interest in the Domains. The Domains are not being used to host any legitimate site (or, at the last check, any site at all). The Respondent is 'typosquatting' in order to take advantage of CREDIT AGRICOLE's trademarks as the disputed domain namesinclude the trademark in its entirety.

The Domains were registered in bad faith because the Respondent seeks only to take unfair advantage of CREDIT AGRICOLE's brand. No legitimate interest is being pursued through the Domains.

The Complainant contends that the Respondent has no rights or legitimate interests in respects of the disputed domain names and is not in any way related to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

There has been neither license nor authorization granted to the Respondent for any use of the Complainant's trademark CREDIT AGRICOLE, or to apply for registration of the disputed domain names.

The disputed domain names were registered in bad faith because the Respondent seeks only to take unfair advantages of Complainants trademarks.

PARTIES CONTENTIONS

No Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are confusingly similar to the Complainant's registered trademarks CREDIT AGRICOLE 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 names (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 names have been registered and are 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

1. The Panel finds that the disputed domain names are confusingly similar to the Complainant's trademarks "CREDIT AGRICOLE" as the trademark/ wording “credit agricole” is included in the disputed doiman names in its entirety.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names, nor is commonly known under the disputed domain names. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's trademarks "CREDIT AGRICOLE" in mind when registering the disputed domain names , which were therefore registered and are being (passively) used in bad faith, in order to take advantage of the goodwill associated with the Complainant's trademarks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CRéDIT-AGRICOLE.FOUNDATION**: Transferred
2. **CRéDITAGRICOLE.FOUNDATION**: Transferred

PANELLISTS

Name	**Lars Karnoe**

DATE OF PANEL DECISION 2019-08-13

Publish the Decision