Decision for dispute CAC-UDRP-102757

Case number	CAC-UDRP-102757
Time of filing	2019-10-30 12:09:37
Domain names	ca-1f.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	joe terry

OTHER LEGAL PROCEEDINGS

The Panel is not aware of pending or decided legal proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant proved to be the owner of the following trademarks, incorporating the element "CA":

- French trademark registration no. 1381908, for CA (fig.) registered since 1986-11-28;
- French trademark registration no. 3454608 for CA (fig.) registered since 2006-10-05;
- International trademark registration no. 933604 for CA (fig.) registered since 2007-03-23;
- European Union trademark registration no. 12289071 for CA (fig.) registered since 2013-11-07;
- French trademark registration no. 4189154 for CA (fig.) registered since 2015-06-15;

The Complainant also proved to own the domain name <ca-lf.com> registered since 2009-10-09.

FACTUAL BACKGROUND

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

The Complainant is a French based company active in all areas of banking and trades associated with it: insurance management, asset leasing and factoring, consumer credit, corporate and investment.

The Complainant owns various trademark registrations for the trademark CA having effects in numerous countries and registered the domain name <ca-lf.com.>.

According to the information provided by the Registrar, the Respondent is an individual named Joe Terry, resident of London, 152 - 160 City Rd, Old Street. The disputed domain name < CA-1F.COM>, was registered on October 14th, 2019 by the Respondent and currently resolves to a parking page hosting sponsored links.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

As regards the First element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to its prior trademarks "CA". The addition of the element "1f" does not exclude the finding of confusing similarity for the purposes of the UDRP. On the contrary, according to the Complainant's submissions the element "1f" increases the likelihood of confusion in view of its similarity with the Complainant's official email address “@ca-lf.com”

Finally, the Complainant contends that TLD are disregarded when assessing confusingly similarity as they are considered as standard registration requirements.

As regards the Second element of the Policy, the Complainant denies that the Respondent has rights or legitimate interests in registering the disputed domain name. According to the Complainant, the information provided in the WHOIS exclude that the Respondent is known as the disputed domain name. Moreover, the Complainant denies to have authorized the Respondent to use the trademarks CA or to apply for registration of the disputed domain name.

Moreover, the current use of the disputed domain name does not amount to a bona fide offering of goods or services nor to a legitimate non-commercial or fair use.

As regards the Third and last element of the Policy, the Complainant supports that the Respondent was aware of its rights on the CA trademark at the time of the registration of the disputed domain name. This is because the "ca" trademark has been used for years by the Complainant as acronym of Credit Agricole and also given the fact that the Respondent has used the disputed domain name to pass itself off as one of the Complainant’s employees, in order to receive payment in place of the Complainant.

RESPONDENT:

The Respondent did not reply to the Complaint.

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

1. The disputed domain name is confusingly similar to a trademark in which the Complainant has rights

The Complainant owns numerous trademark registration composed by the element “CA”, which according to the Complainant’s submissions is the abbreviation of “Credit Agricole”. As the trademark is entirely comprised in the disputed domain name, the Panel takes the view that the threshold required by the First element of the Policy is met. The Panel refers to previous decisions which confirmed that the mere incorporation of the trademark in a domain name should be considered as sufficient for the purposes of the confusing similarity test (see Six Continent Hotels, Inc. v. The Omnicorp, WIPO Case No. 2005–1249 and Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903).

Furthermore, the addition of “.com” is generally disregarded in view of its technical function.

The Panel accordingly concludes that paragraph 4(a)(i) of the Policy is satisfied.

2. The Respondent lacks rights or legitimate interests in the disputed domain name

The Respondent has not submitted a response to the Complaint. Therefore, it has filed no information nor evidence regarding possible rights or legitimate interests it might hold. On its part, the Complainant has submitted information and arguments which, according to the Panel, are sufficient to conclude that the Respondent has no rights or legitimate interest in the disputed domain name.

According to the information provided by the Complainant, and not contested, the Respondent is not commonly known by the disputed domain name nor he has been authorized to use the Complainant’s trademark “CA”.

The Panel agrees that the current use of the disputed domain name does not amount to a bona fide offering of goods and services nor it could be qualified as a legitimate fair and non-commercial use.

The disputed domain name redirects to a webpage containing sponsored links. Some of these links are related to the Complainant’s business (i.e. insurances). The Panel does not consider such use a bona fide offering of goods or services or legitimate non-commercial or fair use.

Furthermore, the Complainant submitted evidence that the disputed domain name was used in a phishing scheme and such use certainly does not amount to a bona fide offering of goods or services or legitimate non-commercial or fair use.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Second Element of the Policy.

3. The disputed domain name has been registered and is being used in bad faith

As far as registration in bad faith is concerned, the Panel points out the following unrebutted circumstances:

(i) CA is the acronym of CREDIT AGRICOLE and according to the Complainant’s submissions this trademark has been used for years;
(ii) the disputed domain name is very similar to the Complainant’s domain name <ca-lf.com>;
(iii) the disputed domain name was used in phishing scheme.

All these circumstances, in the absence of any explanation by the Respondent, are sufficient to conclude that the disputed domain name was registered in bad faith.

As far as use in bad faith is concerned, the Panel refers to Annex 7, in which apparently the Respondent, through the disputed domain name, attempted to pass as one of the Complainant's employees in order to have financial information by a customer. Such circumstance is considered by the Panel as an index of use in bad faith.

On these basis, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CA-1F.COM**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2020-01-26

Publish the Decision