Decision for dispute CAC-UDRP-102880

Case number	CAC-UDRP-102880
Time of filing	2020-01-28 09:15:55
Domain names	amundee-ee.com

Case administrator

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

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	VMI INC

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 name.

IDENTIFICATION OF RIGHTS

The Complainant has proven to be the owner of the AMUNDI trademark.
The Complainant is, inter alia, the owner of the following trademark:
- International trademark registration no. 1024160 “AMUNDI”, granted on September 24, 2009 – claimed priority date June 4, 2009.
The Complainant also owns the following domain names containing the term AMUNDI: amundi.com registered on August 26, 2004, and amundi-ee.com registered on September 24, 2009.

FACTUAL BACKGROUND

The Complainant, AMUNDI ASSET MANAGEMENT, is Europe's number one asset manager measured by assets under management, and has offices in 37 countries in Europe, Asia-Pacific, the Middle-East and the Americas. With €1,425 billion in assets under management and over 100 million retail, institutional and corporate clients, the Complainant ranks in the global top 10.
The Complainant is also the owner of domain names containing the trademark AMUNDI, such as the domain name <amundi.com>, registered and used since August 26, 2004 and the domain name <amundi-ee.com>, registered and used

since September 24, 2009.

The disputed domain name <amundee-ee.com> was registered on April 30, 2010 and redirects to a parking page with commercial links relating to the Complainant's activity.
The disputed domain name is also offered for sale, as indicated on the parking page and in the related WhoIs entry.

PARTIES CONTENTIONS

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

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that:
1. The disputed domain name is confusingly similar to the Complainant's trademark.
The Complainant contends that the disputed domain name <amundee-ee.com> is confusingly similar to its trademarks "AMUNDI". The Complainant further contends that this is a clear case of typo-squatting. The disputed domain name contains an obvious misspelling of the Complainant's trademark AMUNDI and that the substitution of the "I" by the "EE" in the trademark AMUNDI is not sufficient to exclude the likelihood of confusion. Moreover, the Complainant contends that the addition of the letters "EE" (in French for "Epargne Entreprise" – i.e. a savings company) and the generic Top-Level Domain suffix ".com" does not change the overall impression of the disputed domain name as being connected to the trademark AMUNDI.
2. The Respondent does not have any rights or legitimate interest in the disputed domain name
The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent has no links to the Complainant's business. The Complainant does not carry out any activity for, nor does it have any business dealings with, the Respondent.
3. The disputed domain name has been registered and is being used in bad faith
The Complainant contends that the AMUNDI trademark is well-known, and that the Respondent knew or should have known the same.
The Complainant further contends that:
- The disputed domain name is a clear case of typo-squatting;
- The use of the Complainant's trademark in the disputed domain name gives rise to the inference that the Respondent registered the disputed domain name to attract internet users for commercial gain to its own website;
- The Respondent does not make any legitimate use of the disputed domain name.

RESPONDENT:

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

A) Confusing similarity
The Panel agrees with the Complainant's assertions that the substitution of “I” by “EE” in the trademark AMUNDI is not sufficient to exclude the likelihood of confusion, and that the addition of the letters “EE” and the generic Top-Level Domain suffix “.com” does not change the overall impression of the disputed domain name as being confusingly similar to the Complainant’s trademark.
B) Lack of legitimate rights or interests
The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant in mind. The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does in fact have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.
Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.
C) Registered or Used in Bad Faith
The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.
Firstly, owing to the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain name.
Secondly, the Panel accepts the Complainant’s unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant’s trademark, and also to profit from this confusion by possibly selling the disputed domain name at a price well exceeding the cost of its registration.
Indeed, the disputed domain name is offered for sale as is indicated on the parking page and in the related WhoIs entry.
Thirdly, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDEE-EE.COM**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2020-03-02

Publish the Decision