Decision for dispute CAC-UDRP-103007

Case number	CAC-UDRP-103007
Time of filing	2020-04-09 10:21:02
Domain names	amundipioner.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Above.com Domain Privacy

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark “AMUNDI PIONEER” – Reg. No 1398148 – registered on January 11, 2018, in class 36.

The Complainant owns a domain names portfolio, including the wording “AMUNDI PIONEER”, such as: <AMUNDI-PIONEER.COM> registered since March 10, 2017 and <AMUN-DIPIONEER.COM> registered since February 20, 2020.

FACTUAL BACKGROUND

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

The Complainant is Europe’s largest asset manager by assets under management and ranks in the top 10 globally. As a subsidiary it was jointly created in 2010 by Crédit Agricole (80%) and Société Générale (20%) to regroup their activities of asset management. It manages € 1,425 billion of assets across six main investment hubs. It employs 4,500 people in 37 countries.

The Complainant uses, inter alia, its international trademark “AMUNDI PIONEER” as well as the domain names <AMUNDI-PIONEER.COM> and <AMUNDIPIONEER.COM> for its services.

The disputed domain name <AMUNDIPIONER.COM> was registered on April 3rd, 2020. It points 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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain name is confusingly similar to the trademark “AMUNDI PIONEER” of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark “AMUNDI PIONEER”.

The removal of the letter “E” (for “PIONEER”) and the addition of the gTLD suffix “.COM” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant. This is a case of "typosquatting“, i.e. the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Moreover, the disputed domain name is a typosquatted version of the trademark “AMUNDI PIONEER”. Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users’ typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interests in the disputed domain name.

Finally, the fact that the disputed domain name links to a parking page with commercial links shows, that it is not a bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain name has been registered and is being used in bad faith within the meaning of the policy.

The Complainant’s trademark “AMUNDI PIONEER” is commonly known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Also, the Complainant has, to the satisfaction of the Panel, shown, that the misspelling of the trademark “AMUNDI PIONEER” was intentionally designed to be confusingly similar with the Complainant’s trademark.

Furthermore, the disputed domain name points to a parking page with commercial links. From this can be inferred, that the Respondent attempts to attract internet users by creating a likelihood of confusion with the Complainant’s trademark. Such likelihood of confusion is also evidence of bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDIPIONER.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2020-05-07

Publish the Decision