Decision for dispute CAC-UDRP-103112

Case number	CAC-UDRP-103112
Time of filing	2020-06-15 10:05:41
Domain names	amundicoin.com, amundicoins.com, a-mundicoin.com, abbamundicoin.com, a-zmundicoin.com, aamundicoin.com, amundicoin.net, aaamundicoin.com, amundicoin.org

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	elliott arkin

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 is the owner of the following International registered trademark:

- AMUNDI, word mark, registered on September 24, 2009 under number 1024160 in use class 36 and designated in respect of 18 territories.

FACTUAL BACKGROUND

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

The Complainant is Europe's number one asset manager by assets under management and has offices in 37 countries in Europe, Asia-Pacific, the Middle East and the Americas. The Complainant ranks in the top 10 global asset managers and has EUR 1,425 billion in assets under management and over 100 million retail, institutional and corporate clients.

The Complainant is the owner of international registered trademark no. 1024160 for the word mark AMUNDI, registered on

September 24, 2009. The Complainant is the registrant of the domain name <amundi.com>, registered on August 26, 2004, which is used for its official website. The Complainant also owns several other domain names consisting of its AMUNDI trademark coupled with terms related to its activities.

The disputed domain names were registered in June 2020 and each resolves to a registrar parking page with commercial links.

The disputed domain names wholly incorporate and are confusingly similar to the Complainant's said registered trademark and the addition of various letters and/or generic words are insufficient to avoid the likelihood of confusion. The generic top-level domain in each disputed domain name can be disregarded for comparison purposes. The Complainant's rights have been confirmed by previous panels under the Policy.

The Respondent is not commonly known by the disputed domain names. The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with the Complainant. No license or authorization has been granted to the Respondent by the Complainant to use its said trademark or to apply for registration of the disputed domain names.

The disputed domain names resolve to parking pages with commercial links. Such use does not constitute a bona fide offering of goods and services.

The Respondent must have had knowledge of and intent to target the Complainant at the point of registration. This is demonstrated by the extent of the Complainant's business and the notoriety of the Complainant's trademark, which has been confirmed by previous panels under the Policy, and by the nature of the disputed domain names themselves, which consist of the Complainant's mark with terms relevant to the Complainant's field of activity.

The disputed domain names redirect to parking pages with commercial links, such that the Respondent has attempted to attract Internet users for commercial gain to its own website by use of the Complainant's trademark, which is evidence of bad faith. It does not matter for the purposes of the Policy whether such commercial gain is made by the Respondent or its registrar.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

For the reasons outlined in the Principal Reasons for the Decision below, the Panel does not require to make a formal finding regarding paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

For the reasons outlined in the Principal Reasons for the Decision below, the Panel does not require to make a formal finding regarding paragraph 4(a)(ii) of the Policy.

BAD FAITH

For the reasons outlined in the Principal Reasons for the Decision below, the Panel does not require to make a formal finding regarding 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

In the present case, the Respondent filed a Nonstandard Communication dated July 1, 2020 and timed at 14:05. This contained the following statement:

“Hi....I am fine with the urls(listed below) being transfered [sic] to Amundi Asset Management.....Furthermore, since Amundi Asset now owns the trademark to Mundicoin .....the urls www.Mundicoin.net and www.mundicoin.org should be transferred to their possession as well....these 2 urls were started after the Mundicoin trademark was started and published in the press.....thank you very much and I hope this is helpful.

sincerely,
Elliott Arkin

URLS to transfer to Amundi

amundicoin.com
amundicoins.com
a-mundicoin.com
abbamundicoin.com
a-zmundicoin.com
aamundicoin.com
amundicoin.net
aaamundicoin.com
amundicoin.org”

The Complainant filed a Standard Settlement Form dated July 1, 2020 and timed at 14:21 indicating that it wished to settle the dispute on the same basis as that contained in the Respondent’s said proposal. The Respondent did not complete any counterpart of the Standard Settlement Form and settlement did not proceed in accordance with paragraph 17(a)(iii) of the Rules. Accordingly, the present Panel was appointed.

The Panel finds that the Respondent’s Nonstandard Communication, as reproduced above, constitutes a clear and unequivocal statement on the record that it consents to transfer of the disputed domain names to the Complainant. There is no apparent ambiguity within such communication, nor is there any indication on the present record that the Respondent has changed its mind or otherwise altered its position since said communication was filed. The Complainant has likewise confirmed its desire for such disposal rather than insisting upon a formal review of the merits. In these circumstances, there does not appear to be any benefit to proceeding to a substantive decision in this matter.

In view of procedural efficiency, and as the most expeditious course, the Panel concludes that the Respondent's unilateral consent to transfer provides a basis for an order for transfer without a detailed review of the provisions of paragraph 4(a) of the Policy. Such an order may be made in terms of the wide discretion granted to the Panel under paragraph 10 of the Rules (see the discussion on this topic in Vente-Privee.com, Vente-Privee.com IP S.à.r.l. v. Domain Admin, WhoIs Foundation, Domain Registries Foundation care of Legal Consulting and Incorporations, WIPO Case No. D2015-1945).

The Panel will therefore give effect to the Parties' informal settlement request/consent to transfer and will order that the disputed domain names are to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Settled

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

1. **AMUNDICOIN.COM**: Transferred
2. **AMUNDICOINS.COM**: Transferred
3. **A-MUNDICOIN.COM**: Transferred
4. **ABBAMUNDICOIN.COM**: Transferred

5. **A-ZMUNDICOIN.COM**: Transferred
6. **AAMUNDICOIN.COM**: Transferred
7. **AMUNDICOIN.NET**: Transferred
8. **AAAMUNDICOIN.COM**: Transferred
9. **AMUNDICOIN.ORG**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2020-07-29

Publish the Decision