

Decision for dispute CAC-UDRP-103605

Case number	CAC-UDRP-103605
Time of filing	2021-03-01 09:29:40
Domain names	financo-economia.online

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	FINANCO
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Complainant representative

Organization	Nameshield (Laurent Becker)
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Respondent

Name	Loukmane Amzath
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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 is the owner of the following trademark registrations including the term "Financo", as per trademark registration details submitted as annexes 2 to the Complaint:

- French trademark registration n. 3385073 for PREFERENCE FINANCO (word mark), filed on October 11, 2005, in class 36;
- French trademark registration No. 4576194 for FINANCO VOUS PRÊTER ATTENTION (figurative mark), filed on August 21, 2019, in classes 9, 16, 35, 36, 38 and 42;
- French trademark registration No. 4576196 for FINANCO (figurative mark), filed on August 21, 2019, in classes 9, 16, 35, 36, 38 and 42.

FACTUAL BACKGROUND

Founded in 1986, FINANCO is a financial company specializing in consumer credit and is a subsidiary of the CRÉDIT MUTUEL ARKÉA group.

The Complainant is the owner of several domain names comprising the term FINANCO, including the domain names

<financo.fr> registered on March 17, 1998 and used by the Complainant to promote its services under the trademark FINANCO, and <financo.eu>, registered on March 20, 2006.

The disputed domain name <financo-economia.online> was registered on December 31, 2020 and redirects to a website offering loans and consumer credits.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS

COMPLAINANT

The Complainant contends that disputed domain name <financo-economia.online> is confusingly similar to the trademark FINANCO in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of a hyphen, the descriptive term "economia" ("economy" in Italian) and the generic Top-Level Domain ".online".

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant states that the Respondent is not commonly known by the disputed domain name, that he is in no way affiliated with the Complainant and that he has not been authorized by the Complainant to use the trademark FINANCO or register the disputed domain name.

The Complainant further underlines that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant does not carry out any activity for, nor has any business with the Respondent and the Complainant has never granted any license to the Respondent for the use of the disputed domain name.

Moreover, the Complainant contends that the information provided on the website for FINANCO ECONOMIA appears to be fictitious, as the address corresponds to another company, and that the services offered at the disputed domain name directly compete with the services provided by the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant highlights that the Respondent registered the disputed domain name many years after the Complainant had registered the trademark FINANCO.

The Complainant further underlines that the disputed domain name resolves to a website offering financial services such as consumer loans or personal loans which directly compete with the services offered by the Complainant.

The Complainant thus asserts that the Respondent registered the disputed domain name in an attempt to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement or the Respondent's website or location.

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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 Panel finds that the disputed domain name is confusingly similar the registered trademark FINANCO in which the Complainant has established rights, since the denominative element "financo" encompassed in the Complainant's figurative mark is entirely reproduced in the disputed domain name, with the mere addition of a hyphen, the descriptive term "economia" and the generic Top-Level Domain "online". As stated in a number of prior decisions rendered under the UDRP, these minor changes are not sufficient to prevent a finding of confusing similarity.

2. The Complainant stated that the Respondent is in not affiliated with or authorized by the Complainant in any way. There is no evidence of the fact that the Respondent might have been commonly known by the disputed domain name or by a name corresponding to the disputed domain name.

Moreover, according to the evidence on records, the Respondent has redirected the disputed domain name to a website offering competing financial services to those offered by the Complainant, thus showing that Respondent did not make use, or demonstrable preparations to use, of the disputed domain name in connection with a bona fide offering of goods or services, or with a legitimate non-commercial or fair use. In view of the foregoing and in the absence of a Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

3. As to bad faith at the time of registration, the Panel finds that, in light of the distinctiveness of the Complainant's trademark, with which the disputed domain name is confusingly similar, of the prior registration and use of the trademark FINANCO by the Complainant and of the content of the website to which the disputed domain name resolves, the Respondent was well aware of the Complainant's trademark at the time of the registration of the disputed domain name.

Moreover, in light of the current use of the disputed domain name in connection with a website offering purported financial services, competing with the ones offered by the Complainant, the Panel finds that the Respondent intentionally attempted to attract Internet users to its website for commercial gain, by causing a likelihood of confusion with the Complainant's trademark FINANCO as to the source, sponsorship, affiliation or endorsement of its website and the services promoted therein, according to paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FINANCO-ECONOMIA.ONLINE**: Transferred

PANELLISTS

Name	Luca Barbero
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DATE OF PANEL DECISION 2021-04-02

Publish the Decision
