

Decision for dispute CAC-UDRP-103916

Case number CAC-UDRP-103916

Time of filing 2021-07-07 09:10:02

Domain names amundifr.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization AMUNDI ASSET MANAGEMENT

Complainant representative

Organization Nameshield (Enora Millocheau)

Respondent

Name rudy

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 several trademarks "AMUNDI", such as the international trademark "AMUNDI" – Reg. No 1024160 – registered on September 24, 2009.

The Complainant also owns the domain name <AMUNDI.COM>, registered since August 26, 2004.

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 has offices in 36 countries in Europe, Asia-Pacific, the Middle-East and the Americas. With €1.755 trillion in assets under management and over 100 million retail, institutional and corporate clients, the Complainant ranks in the top 10 globally.

The Complainant uses, inter alia, its international trademark "AMUNDI" as well as the domain name <AMUNDI.COM> for its services.

The disputed domain name <AMUNDIFR.COM> was registered on May 7, 2021 and does not link to a website.

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" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark "AMUNDI" and that this trademark is well-known.

The disputed domain name includes the Complainant's trademark in its entirety. Moreover, the addition of the abbreviation "FR" (possibly for "France") is not sufficient to distinguish the disputed domain name from the trademark. Also, 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.

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 known by the Complainant, is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Furthermore, the disputed domain name does not correspond to the name of the Respondent and he is not commonly known as "AMUNDI". In addition, the disputed domain name links to no website. This passive holding of the disputed domain name containing a well-known trademark indicates that the Respondent lacks rights and legitimate interests in the disputed domain name.

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

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

The Complainant's trademark "AMUNDI" is well known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Also, the passive holding of the disputed domain name with presumed knowledge of the corresponding trademark rights of the Complainant indicates, that the Respondent has registered and uses 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. **AMUNDIFR.COM**: Transferred

PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION 2021-08-04

Publish the Decision