Decision for dispute CAC-UDRP-100587

Case number	CAC-UDRP-100587
Time of filing	2013-04-15 15:27:35
Domain names	SCGIB.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	SOCIETE GENERALE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Direct Navigation Data

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

Complainant owns the French trademark registration no. 3223420 “SGCIB” (word) with registration date 2 May 2003, the French trademark registration no. 3223419 “SG-CIB” (word) with the same registration date 2 May 2003, and the international trademark registration no. 819196 “SG-CIB” (word) covering several countries with registration date 30 September 2003.

FACTUAL BACKGROUND

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

Founded in 1864, Société Générale S.A. is a French multinational banking and financial services company headquartered in Paris. The company is a universal bank split into three main divisions, Retail Banking and Specialized Financial Services, Corporate and Investment Banking (Derivatives, Structured Finance and Euro Capital Markets) and Global Investment Management and Services.

As a subsidiary of the Bank "Societe Generale", Société Générale Corporate & Investment Banking (SGCIB) revolves around three main activities: investment banking, financing and markets.

With nearly 12,000 employees in 34 countries, SG CIB is present in the main financial markets with extensive European coverage and representative offices in Central and Eastern Europe, the Middle East and Africa, the Americas and Asia-Pacific.

The Complainant owns and communicates on the Internet through various websites worldwide. The main one is “www.sgcib.com” (registered on 23/02/2000), but the Complainant has also registered numerous other “sgcib” domain names.

The disputed domain name <scgib.com> has been registered on 25/04/2012.

The Complainant contends that the domain name is confusingly similar to the trademark and services “SGCIB”. The only difference between the Complainant trademarks and the disputed domain name <scgib.com> is in a misspelling, namely the inversion of the letter “C” with the letter “G” in the word “SGCIB”. This similarity may easily lead Internet users into confusion.

Complainant contends that the Respondent does not have any rights or legitimate interest in the domain name. The Complainant particularly contends that the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant’s business. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant also contends that the Respondent has no legitimate interests in respect of the domain name and he is not related in any way with the Complainant. The Respondent registered the domain name in hiding its information whois. The website for which the domain name is used displays commercial links related to the Complainant’s business. The domain name is on sale.

The Complainant contends that the Respondent has registered the domain name with the only purpose of creating a risk of confusion and diverting the Internet users to its website. The Respondent gets revenues of commercial links related to the business of the Complainant. This demonstrates that the Respondent has intentionally attempted to attract for commercial gain Internet users to its web site, by creating confusion as to the source, sponsorship, affiliation or endorsement of products or services on its web site.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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

The Panel finds that the domain name is confusingly similar to Complainant's French “SGCIB” trademark cited above. The

domain name is based on the inversion of the letter “C” with the letter “G” in the word “SGCIB”, which is insignificant to the overall impression.

The Panel finds that Complainant successfully submitted prima facie evidence that Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

In the absence of a Response, the Panel infers that Respondent had Complainant's trademark in mind when registering the Domain Name, which was therefore registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SCGIB.COM**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2013-06-02

Publish the Decision