Decision for dispute CAC-UDRP-100633

Case number	CAC-UDRP-100633
Time of filing	2013-07-19 12:18:05
Domain names	ASSURANCE-CREDIT-AGRICOLE.NET, ASSURANCE-CREDIT-AGRICOLE.INFO

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Credit Agricole Assurance

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

Trademark

FACTUAL BACKGROUND

The Complainant is a world-known French bank.

It owns several trademarks ‘CREDIT AGRICOLE’ in word or in word/logo.

It owns and communicates on the Internet through various websites in the worldwide. The main one is “www.credit-agricole.fr” (registered on 07/07/1995), but it has also registered domain names similar to trademark “CREDIT AGRICOLE” such as:

creditagricole.fr registered on 22/09/2000
creditagricole.com registered on 11/06/2001
credit-agricole.com registered on 31/12/1999
creditagricole.net registered on 07/01/2002

credit-agricole.net registered on 19/03/1999
creditagricole.info registered on 28/09/2004
credit-agricole.eu registered on 21/03/2006
creditagricole.nl registered on 09/04/2006

The disputed domain names have been registered on 11 June 2013. The Complainant contends that the domain names are confusingly similar to the trademark and products “CREDIT AGRICOLE”.

On 18 June 2013, a cease-and-desist letter has been sent by email. The Respondent has not provided response about this letter.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that :

A/ The domain names are confusingly similar to the protected mark (Mark combined with a generic term).

B/ The Respondent does not have any rights or legitimate interest in the domain name(s). Notably : (i) the Respondent is not related in any way with the Complainant ; (ii) The Complainant does not carry out any activity for, nor has any business with the Respondent ; (iii) Neither licence nor authorization has been granted to the Respondent to make any use, or apply for registration of the disputed domain name by the Complainant.

C/ The domain name(s) has been registered and is being used in bad faith. Notably : (i) The Respondent was aware of the Complainant at the moment of the registration of these domain names ; (ii) The Respondent has attempted to create a risk of confusion (especially through the domain name < assurance-credit-agricole.com>) by pretending to be the Complainant , (iii) Regarding the domain name < assurance-credit-agricole.info>, the domain name is still on parking page since its registration. It should be considered as passive holding ; (iv) The Respondent has registered the domain names only in order of to disrupt the Complainant’s activities, notably by using the Complainant's logo on one of the disputed domain name.

RESPONDENT:
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

PRINCIPAL REASONS FOR THE DECISION

1. The Panel finds that the disputed domain names are confusingly similar to the Complainant's trademarks as the difference between the disputed domain names and the Complainant's trademarks is a generic term which directly refers to the activity of the Complainant.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of 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 the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's trademarks in mind when registering the Domain Names, which were therefore registered and are being (passively) used in bad faith, in order to take advantage of a slight mis-spelling of the Complainant's trademarks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ASSURANCE-CREDIT-AGRICOLE.NET**: Transferred
2. **ASSURANCE-CREDIT-AGRICOLE.INFO**: Transferred

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2013-09-09

Publish the Decision