Decision for dispute CAC-UDRP-100687

Case number	CAC-UDRP-100687
Time of filing	2013-10-17 10:27:00
Domain names	CREDIT-AGRICOLE-COM.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Hildegard Gruener

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

Complainant owns several trademarks for CREDIT AGRICOLE, including the international registration under the Madrid System nr. 441714, dated 25.10.1978. The trademark registrations predate the creation date of the disputed domain name (January 13, 2013).

FACTUAL BACKGROUND

The disputed domain name contains Complainant's trademark CREDIT AGRICOLE in full. Therefore, the disputed domain name is confusingly similar to the Complainant's famous trademark (Policy, Par. 4 (a)(1)).

The Respondent has no rights in the trademark CREDIT AGRICOLE. The Complainant has no relationship with the Respondent. Accordingly, Respondent has no rights or legitimate interests in respect of the disputed domain name (Policy, Par. 4 (a)(11)).

The trademark CREDIT AGRICOLE constitutes the dominant element of the disputed domain name. The disputed domain name resolves to a website with links to competitors of the Complainant. The Complainant finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)).

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 Complainant has established that it is the owner of several trademark registrations for CREDIT AGRICOLE. The Panel notes that the Complainant's registrations predate the creation date of the Domain Name. The Domain Name <credit-agricole-com.com> incorporates the entirety of the CREDIT AGRICOLE trademark as its distinctive element. Many UDRP decisions have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety. The addition of the common, descriptive and non-distinctive element "-com.com" is insufficient to avoid a finding of confusing similarity. The Panel finds that the Complainant has proven that the Domain Name is confusingly similar to the Complainant's trademark.

In the opinion of the Panel the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name.

The Panel also finds that the disputed domain name has been registered and is being used in bad faith by the Respondent. This is particularly true as the Respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of the Complainant as to the source, sponsorship, affiliation, or endorsement of its website or of a product on its website or location. In addition, the Respondent has not responded to the allegation of the Complainant that the website of the Respondent resolves to pay-per-click site promoting products and services of competitors of the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDIT-AGRICOLE-COM.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2013-11-18