Decision for dispute CAC-UDRP-100913

Case number	CAC-UDRP-100913
Time of filing	2015-01-21 12:42:38
Domain names	creditmutueldebretagne.net

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	FEDERATION DU CREDIT MUTUEL DE BRETAGNE

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	marc (riquet marc)

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the following trademark:
French semi-figurative trademark CREDIT MUTUEL DE BRETAGNE number 1539019, filed on June 30, 1989.

FACTUAL BACKGROUND

According to the information provided Complainant is part of a large French banking and insurances services group.
According to the evidence submitted by Complainant, Complainant is the owner of the following trademark: French semi-figurative trademark CREDIT MUTUEL DE BRETAGNE number 1539019, filed on June 30, 1989.
The disputed domain name <creditmutueldebretagne.net> is inactive since its registration. The disputed domain name was registered on November 14, 2014.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.
According to Complainant the disputed domain name is identical to Complainant's trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name as there is no website under the disputed domain name and Respondent is not related in any way with the business of Complainant.

According to Complainant the disputed domain name is registered in bad faith. Given the distinctiveness of Complainant's trademark and its reputation, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademark.

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

In the opinion of the Panel the disputed domain name is identical to Complainant's trademark (Policy, Par. 4 (a)(1)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. The French trademark of Complainant predates by many years the registration date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.
Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(11)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith. The trademark of Complainant has been existing for a long time. Respondent knew or should have known that the disputed domain name included Complainant’s well-known trademark. The Panel notes that there is currently no website at the disputed domain name. However, such passive holding of the website does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that Respondent undeveloped use of the website at the disputed domain name which incorporates Complainant’s trademark in its entirety indicates that Respondent possibly registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, as per 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. **CREDITMUTUELDEBRETAGNE.NET**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2015-02-23

Publish the Decision