Decision for dispute CAC-UDRP-100914

Case number	CAC-UDRP-100914
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Domain names	creditmutueldebretagne.org

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	FEDERATION DU CREDIT MUTUEL DE BRETAGNE

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	rochdi (rochdi said)

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 a French trademark number 1539019, for CREDIT MUTUEL DE BRETAGNE® applied for on June 30, 1989 with the French INPI, the Institut national de la propriété industrielle and currently registered.

FACTUAL BACKGROUND

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

CREDIT MUTUEL DE BRETAGNE (the Complainant) is a French bank and part of the group CREDIT MUTUEL ARKEA, founded in 1882.

Founded in 1882, CREDIT MUTUEL is a major French bank, with headquarters in Strasbourg, in Alsace. It is currently run by Michel Lucas and Alain Fradin and has 7.4 million customers – roughly half of whom live in the Grand-Est.

The disputed domain name "CREDITMUTUELDEBRETAGNE.ORG" was registered on November 15, 2014.

As to the Complainant’s contentions, the Complainant alleges that the disputed domain name is confusingly similar to its trademark CREDIT MUTUEL DE BRETAGNE®, that the Respondent has no rights or legitimate interests in the disputed domain name and that it was registered and used in bad faith. The Complainant has adduced evidence to that effect.

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

As Respondent did not file any response, Panel may draw such inferences therefrom as it considers appropriate (paragraph 14 (b) of the Rules). Particularly, Panel may accept the contentions of Complainant as admitted by the Respondent.

I.
The Complainant states that the disputed domain name "CREDIT MUTUEL DE BRETAGNE" is identical to its trademark CREDIT MUTUEL DE BRETAGNE. Indeed, the domain name contains the Complainant's trademark in its entirety.

As the trademark was registered in France, the Panel has no reason to doubt its protectability, particularly; as Complainant undisputedly contests that the trademark is a well-known trademark.

The addition of the generic tld “.org” is not sufficient to escape the finding that the domain name is identical or, at least, confusingly similar to the trademark CREDIT MUTUEL DE BRETAGNE. It is an established and recognized principle under the UDRP that the presence of the .org top level designation is irrelevant in the comparison of a domain name and a trade mark (See, for example, CAC 100391 “SBKGEAR”, CAC100725 “DANSKESPILMOBIL”).

II.
The Panel finds that the Complainant’s mark is distinctive. The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

III.
Given the fact that the Complainant's trademark has been a well-known trademark in France at the time the Respondent registered the disputed domain name, it is reasonable to infer that the Respondent has registered the domain name with full

knowledge of the Complainant's mark and uses it for the purpose of misleading and diverting internet traffic or other own purposes. Thus, the Panel holds that the Respondent acted in bad faith in registering and using the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDITMUTUELDEBRETAGNE.ORG**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2015-03-03

Publish the Decision