Decision for dispute CAC-UDRP-100984

Case number	CAC-UDRP-100984
Time of filing	2015-04-29 15:42:03
Domain names	Credits-agricole.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	Cyril willaims

OTHER LEGAL PROCEEDINGS

Other pending proceedings between the parties are not known to the Panel.

IDENTIFICATION OF RIGHTS

The Complainant is proprietor of several trademarks for „Credit Agricole“, among them the Community Trademark 006456974 applied for on November 13, 2007 and registered on October 23, 2008 in classes 9, 16, 35, 36, 38, 42 as well as International Registration 1064647 registered on January 4, 2011 in classes 9, 16, 35, 36, 38, 42 in several countries.

FACTUAL BACKGROUND

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

1. The Complainant is a leading retail bank resident in France and is active in France and throughout the world. Despite several trademarks for Credit Agricole it is also the proprietor of several domain names incorporating „Credit Agricole“ such as CREDIT-AGRICOLE.net.

2. The Respondent registered the disputed domain name on April 21, 2015 where a parking page is displayed.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the trademarks of Complainant. The additional „s“ is not sufficient to avoid a confusing similarity. Furthermore, it is a typical case of typosquatting.

The Complainant contends that it never authorized Respondent to use the disputed domain name or is affiliated with the Respondent.

Due to, inter alia, the reputation of Complainant´s trademarks confirmed by other ADR panels such as in the case CAC 100688 Credit Agricole S.A. v. Empark, it must be assumed that the disputed domain name was registered and used with full knowledge of the Complainant. The given typosquatting shows bad faith using 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

The Complainant has, to the satisfaction of the Panel, shown the Domain Name being confusingly similar to a trade marks in which the Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

The additional „s“ in the disputed domain name does not change the assumption of confusing similarity. The Panel therefore considers the Domain Name in question to be confusingly similar to the trademarks in which the Complainants have rights in accordance with paragraph 4(a)(i) of the Policy.

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).

The Respondent has no rights in the Domain Name since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interest in the Domain Name since there is no indication that the Respondent is commonly known by the name reflecting the trademarks or by „credits-agricole“ nor that the Respondent is using the Domain Name in connection with a bona fide offering of related goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the Domain Name.

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) by registering a confusingly similar domain name being aware of the known trademarks of Complainant and having used the domain name by intentionally attempting to attract, for commercial gain, Internet users to his web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his web site or location or of a product or service on his web site or location.

The Panel therefore considers the Domain Name to has been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy under the present circumstances.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2015-06-15

Publish the Decision