Decision for dispute CAC-UDRP-101012

Case number	CAC-UDRP-101012
Time of filing	2015-06-30 11:26:27
Domain names	ww1credit-agricole.net

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	ww1credit-agricole

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered proprietor of several CREDIT AGRICOLE trademarks, including International registration No. 1064647, registered on January 4, 2011 in classes 9, 16, 35, 36, 38 and 42.

FACTUAL BACKGROUND

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

The Complainant is the leader in retail banking in France and one of the largest banks in Europe. It assists its clients' projects in France and around the world, in all areas of banking and trades associated with it: insurance management asset leasing and factoring, consumer credit, corporate and investment.

The Complainant owns several trademarks including the distinctive wording CREDIT AGRICOLE®.

The disputed domain name <ww1credit-agricole.net> was registered on June 11, 2015. It resolves to an inactive website.

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.

In particular, the Panel is satisfied that the CAC has discharged its responsibility under §2 of the Rules to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint.

PRINCIPAL REASONS FOR THE DECISION

The disputed domain name includes the registered trademark CREDIT AGRICOLE of the Complainant, with the addition of “ww1” and hyphen between the words CREDIT and AGRICOLE. Thus on a very basic level the disputed Domain Name and the Complainant's trade mark could be said to be confusingly similar, especially given the fact that it is generally accepted that the test for confusing similarity is a very low, threshold test, designed simply to assess whether a complainant has standing to bring a complaint under the Policy. Therefore, the disputed domain name <ww1credit-agricole.net> is confusingly similar to the Complainant's trademark CREDIT AGRICOLE based on a visual and aural comparison of the disputed domain name and the trademark.

The Complainant asserts that (i) the Respondent is not affiliated with nor authorized by the Complainant in any way and that the Complainant does not carry out any activity for, nor has any business with the Respondent; (ii) the website to which the disputed domain name resolves has been inactive since its registration; and (iii) this is clearly a typosquatting case, in that the disputed domain name takes advantage of a common typographical error by omitting the period between “www” and Complainant’s trademark.

The Panel finds that the Complainant's mark is distinctive and very well known. The Complainant’s assertions 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. See Do The Hustle, LLC v. Tropic Web, WIPO Case No. D2000-0624 and the cases there cited. The Respondent has made no attempt to do so.

A respondent is not obliged to participate in a proceeding under the Policy but if it fails to do so, asserted facts may be taken as true and reasonable inferences may be drawn from the information provided by the Complainant.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of any innocent explanation on the part of the Respondent, the Panel accepts the Complainant's submission that, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the domain name with full knowledge of the Complainant's trademark and thus engaged in typosquatting, which is evidence of bad faith registration and use under paragraph 4(a)(iii) of the Policy. See Computerized Sec. Sys., Inc. v. Hu,

FA 157321 (Nat. Arb. Forum June 23, 2003); Black & Decker Corp. v. Khan, FA 137223 (Nat. Arb. Forum Feb. 3, 2003) (“finding the <wwwdewalt.com> domain name was registered to “ensnare those individuals who forget to type the period after the ‘www’ portion of [a] web-address,” which was evidence that the domain name was registered and used in bad faith”).

Accordingly, the Panel finds that the Respondent has registered and is using the disputed domain name <ww1credit-agricole.net> in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WW1CREDIT-AGRICOLE.NET**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2015-08-02

Publish the Decision