Decision for dispute CAC-UDRP-101133

Case number	CAC-UDRP-101133
Time of filing	2015-12-22 09:58:41
Domain names	credit-agricoleuni.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	Credit Agricole SA

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	BD LIRS

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware

IDENTIFICATION OF RIGHTS

The Complainant relies upon Various registered trade marks including Community Trade Mark no 006456974 for a word mark in the form “CREDIT AGRICOLE” in classes 9, 16, 35, 36, 38 and 42, filed on 13 November 2007 and proceeding to registration on 23 October 2008.

FACTUAL BACKGROUND

THE FOLLOWING FACTS HAVE BEEN ASSERTED IN THE COMPLAINT AND HAVE NOT BEEN DISPUTED IN THESE PROCEEDINGS:

CREDIT AGRICOLE S.A. is the leader in retail banking in France and one of the largest banks in Europe.

First financing the French economy and major European player, CREDIT AGRICOLE S.A. 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®.

CREDIT AGRICOLE S.A. is also the owner of domain names, including the same distinctive wording CREDIT AGRICOLE®.

The disputed domain name <credit-agricoleuni.com> was registered on 28 November 2015, and is currently not used in connection with an inactive web site.

The Complainant contends that the Respondent is not affiliated with nor authorized by CREDIT AGRICOLE S.A. in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name.

The Complainant does not carry out any activity for, nor has any business with the Respondent.

The information regarding the Respondent, provided by the Whois of the disputed domain name <credit-agricoleuni.com>, is "BD LIRS".

Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks CREDIT AGRICOLE®, or apply for registration of the disputed domain name by the Complainant.

Furthermore, the website in relation with the disputed domain name <credit-agricoleuni.com> displays an inactive page ("passive holding") since its registration. This information confirms that the Respondent has no demonstrable plan to use the domain name in respect of the disputed domain name.

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

The disputed domain name (the "Domain Name") embodies the entirety of the Complainant's CREDIT AGRICOLE mark and the addition of the letters "uni" and the ".com" top level domain does not so change the reading of the Domain Name as to prevent a finding of confusing similarity (see Research in Motion Limited v. One Star Global LLC, WIPO Case No. D2009-0227).

The Domain Name does not appear to have been used for any active website since registration. Further, in the absence of any explanation or argument from the Respondent to the contrary, it is difficult to conceive of any use of the Domain Name that would not in some manner be illegitimate under the UDRP (see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 as elaborated upon by the three person panel in Mr. Talus Taylor, Mrs. Anette Tison v. Vicent

George Warning/ Fayalobi Interaction Management, WIPO Case No. D2008-0455).

The Panel therefore concludes that the Domain Name was registered and has been held with the intent to take some unfair advantage of the Complainant's rights. That is sufficient to justify a finding that the Respondent has no right or legitimate interest in the Domain Name and that the Domain Name has been registered and used in bad faith (see, for example, Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2016-01-22

Publish the Decision