Decision for dispute CAC-UDRP-101207

Case number	CAC-UDRP-101207
Time of filing	2016-05-04 09:58:32
Domain names	CA-PARICULIERS-CREDITAGGRICOLE.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	CA INFOS

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 owns the following trademark registrations:

- International registration device mark CA CRÉDIT AGRICOLE with number 525634 of July 13, 1988 for goods and services in classes 16, 35 and 36;

- US device mark CA CRÉDIT AGRICOLE with registration number 1599297 of June 5, 1990 for services in class 36;

- International registration device mark CA with number 933604 of March 23, 2007 for goods and services in classes 9, 16, 35, 36, 38 and 42;

- EU device mark CA CRÉDIT AGRICOLE with registration number 5505995 of December 20, 2007 for goods and services in classes 9, 36 and 38;

- US device mark CA with registration number 3701779 of October 27, 2009 for goods and services in classes 16 and 36.

FACTUAL BACKGROUND

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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.

The disputed domain name is confusingly similar to the Complainant's trademarks CRÉDIT AGRICOLE and its domain names.

According to WIPO case no. D2003-0455 Croatia Airlines d.d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP.
The Respondent had no rights or legitimate interests in a domain name under the Policy where it failed to make any active use of the domain name.

Notoriety of the trademarks CRÉDIT AGRICOLE was confirmed by Panels in previous decisions:

- WIPO - D2010-1683 Crédit Agricole S.A. v. Dick Weisz;
- WIPO - D2012-0258 - Crédit Agricole S.A. v. Wang Rongxi;
- CAC - 100688 - Crédit Agricole S.A. v. EMPARK;
- CAC - 100687 - Crédit Agricole S.A. v. Hildegard Gruener;
- CAC - 100633 - Crédit Agricole S.A. v. Credit Agricole Assurance;

Incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use:

- WIPO - D2000-0003 - Telstra Corporation Limited v. Nuclear Marshmallows;
- WIPO - D2000-0400 - CBS Broadcasting, Inc. v. Dennis Toeppen.

PARTIES CONTENTIONS

No Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to the trademarks 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 disputed 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 disputed 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

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks CA CRÉDIT

AGRICOLE, which are included in the disputed domain name in their entirety, as the difference between the disputed domain name and the Complainant's trademarks are without significant to the overall impression. Neither the misspelling "AGGRICOLE" and the addition of the (misspelled) word "pariculiers" ("particuliers" is French for private persons, which is the typical clients of a retail bank such as the Complainant) take away the finding of confusing similarity.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's well-known trademarks CA CRÉDIT AGRICOLE in mind when registering the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to prevent the Complainant to register its trademark as domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CA-PARICULIERS-CREDITAGGRICOLE.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2016-06-08

Publish the Decision