Decision for dispute CAC-UDRP-101459

Case number	CAC-UDRP-101459
Time of filing	2017-03-01 11:00:31
Domain names	FR-CREDIT-AGRICOLE.COM

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	CREDIT AGRICOLE S.A.

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	Alain Pattinson

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of multiple trademarks including the European Union trademark CREDIT AGRICOLE, filing number 006456974, registration date 23 October 2008.

FACTUAL BACKGROUND

According to the information provided the Complainant is the leader in retail banking in France and one of the largest banks in Europe.

The disputed domain name <fr-credit-agricole.com> was registered on 20 February 2017. The disputed domain name is not used in connection with an active website and displays the sentence “sito in costruzione” (translated in English: “site under construction”).

The trademark registrations of the Complainant has been issued prior to the registration of the disputed domain name.

According to the Complainant the disputed domain name is confusing similar to Complainant's trademark as it contains the trademark CREDIT AGRICOLE in its entirety.

According to the Complainant, the Respondent has no rights or legitimate interest in the disputed domain name as the website to which the disputed domain name resolves is inactive. The Respondent is not related in any way with the business of the Complainant.

According to the Complainant the disputed domain name is registered in bad faith. Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 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

In the opinion of the Panel the disputed domain name is confusingly similar to the Complainant's trademarks (Policy, Par. 4 (a)(i)). Many UDRP decisions have found that a disputed domain name is confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. The European Union trademark of the Complainant predates by many years the registration date of the disputed domain name. The top-level domain “com”, the addition “FR” (which stands for France) and the two hyphens in the disputed domain name may be disregarded.

In the opinion of the Panel the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use its trademarks or to register the disputed domain name incorporating its marks. The Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of the Complainant. The Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. The Complainant has no relationship with the Respondent.

The Respondent did not submit any response. Under these circumstances, the Panel finds that The Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). The trademarks of the Complainant have been existing for a long time and are well-known. The Respondent knew or should have known that the disputed domain name included the Complainant’s trademarks especially in view of the fact that the Respondent has an address in France where the banks of the Complainant are located in almost every town. The Panel

notes that the website at the disputed domain name is currently a page under construction (“sito in costruzione”). Passive holding of the disputed domain name does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that the undeveloped use of the website at the disputed domain name which incorporates the Complainant’s trademarks in its entirety indicates that the Respondents possibly registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of the Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, as per paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FR-CREDIT-AGRICOLE.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2017-03-27

Publish the Decision