Decision for dispute CAC-UDRP-104650

Case number	**CAC-UDRP-104650**
Time of filing	**2022-06-15 09:19:23**
Domain names	**amundiimmobilier.com**

Case administrator

Organization	**Denisa Bilík (CAC) (Case admin)**

Complainant

Organization	**AMUNDI ASSET MANAGEMENT**

Complainant representative

Organization	**NAMESHIELD S.A.S.**

Respondent

Organization	**Domain Management**

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 is the owner of the international word trademark AMUNDI (Reg. No. 1024160 AMUNDI, registered since September 24, 2009) in class 36 (Nice Classification).

FACTUAL BACKGROUND

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

The Complainant, AMUNDI ASSET MANAGEMENT is one of the Europe's leading companies in asset management and has offices in many countries in Europe, Asia-Pacific, the Middle-East and the Americas. The Complainant is the owner of the international word trademark AMUNDI (Reg. No. 1024160 AMUNDI, registered since September 24, 2009) in class 36 (Nice Classification). The Complainant is also the owner of domain name <amundi.com>, registered and used since August 26, 2004. The Respondent is US subject „Domain Management“. The Respondent registered the disputed domain name <amundiimmobilier.com> on June 8, 2022 and it resolves to a dan.com page where the disputed domain name is offered for sale for USD 2750.

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

1. The Complainant, AMUNDI ASSET MANAGEMENT, is a well-known asset management company in Europe and has offices in 36 countries in Europe, Asia-Pacific, the Middle-East and the Americas. With over 100 million retail, institutional and corporate clients, the Complainant ranks in the top 10 globally. As it was stated in recent CAC case No. 101803, AMUNDI v. John Crawford, “The trademark of Complainant has been existing for a long time and is well-known. Respondent knew or should have known that the disputed domain name included Complainant’s trademark.”).

2. The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to use Complainant’s trademarks in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. Respondent’s use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use (Policy Para. 4(c)).

3. The Panel agrees with the Complainant that the disputed domain name <amundiimmobilier.com> is confusingly similar to the Complainant's trademark AMUNDI. The adding of the generic French word "immobilier" (i.e. „real estate“) does not change the fact that the disputed domain name and the registered trademark are confusingly similar as it does not change the overall impression of the designation as being connected to the Complainant’s trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and domain name associated. On the contrary, the addition of the word “immobilier” increases the likelihood of confusion with the Complainant’s trademarks and activity, because it refers to the Complainant‘s activities in the real estate business. Moreover, the Complainant presented evidence that it operates the entity under the exact name AMUNDI IMMOBILIER, therefore, the likelihood of confusion in this case is inevitable.

4. As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent, when he registered the disputed domain name, meant nothing else except the Complainant's trademark AMUNDI. The evidence in this case show that the disputed domain name resolves to a dan.com page where the disputed domain name is offered for sale for USD 2750. The Respondent has registered the disputed domain name only in order to sell it back for out-of-pockets costs, which evidences bad faith registration and use. As it was stated in Forum Case No. FA 1623939, Citigroup Inc. v. Kevin Goodman, “Respondent offered the <citi.club> domain name for sale or lease at prices well above even its alleged but unverified acquisition costs. […] Therefore, the evidence shows that Respondent registered <citi.club> primarily for the purpose of transferring it for a profit and demonstrates Respondent’s bad faith registration and use of the <citi.club> domain name pursuant to Policy ¶ 4(b)(i).”). In conclusion, the Panel is of the clear

view that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **AMUNDIIMMOBILIER.COM**: Transferred

PANELLISTS

Name	**dr. Darius Sauliūnas**

DATE OF PANEL DECISION 2022-07-14

Publish the Decision