Decision for dispute CAC-UDRP-104257

Case number	**CAC-UDRP-104257**
Time of filing	**2022-01-07 08:42:25**
Domain names	**creditagricole.store**

Case administrator

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

Complainant

Organization	**CREDIT AGRICOLE S.A.**

Complainant representative

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

Respondent

Organization	**Mark Haillay**

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 several trademarks including the wording “CREDIT AGRICOLE”, such as the followings registrations:
- European registration CA CREDIT AGRICOLE no. 005505995 registered since November 20, 2006;
- European registration CREDIT AGRICOLE no. 006456974 registered since November 13, 2007;
- International registration CREDIT AGRICOLE no. 1064647 registered since January 4, 2011.

The Complainant is also the owner of several domain names including the trademark CREDIT AGRICOLE, such as <creditagricole.com> registered since June 11, 2001 and <credit-agricole.com> registered since December 31, 1999.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:
Complainant 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, the Complainant 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 and domains including the wording “CREDIT AGRICOLE”.

The disputed domain name <creditagricole.store> was registered on December 29, 2021 and redirects to a parking page. Besides, MX servers are configured.
The Complainant states that the disputed domain name is identical to its trademark CREDIT AGRICOLE, because the domain name includes the trademark in its entirety.
The Complainant contends that addition of the new gTLD ".STORE" is not sufficient to escape the finding that the disputed domain name is identical to the Complainant's trademark and does not change the overall impression of the designation as being connected to its trademark.
The Complainant states, that past panels have confirmed the Complainant's rights over the terms "CREDIT AGRICOLE".
The Complainant contends that the Respondent is not identified in the WHOIS database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the WHOIS information was not similar to the disputed domain name.
The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark CREDIT AGRICOLE, or apply for registration of the disputed domain name by the Complainant.
The disputed domain name is not used. The Complainant contends that Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interests in respect of the disputed domain name.
Thus, the Complainant contends that the Respondent has no rights or legitimate interest on the disputed domain name.
The Complainant states that the disputed domain name is confusingly similar to its well-known trademark CREDIT AGRICOLE. Besides, the term CREDIT AGRICOLE is only known in relation with the Complainant. A Google search on the expression CREDIT AGRICOLE displays several results, all of them being related to the Complainant and its banking activity.
Thus, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable in the view of Complainant to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks.
Furthermore, the disputed domain name is not used, as it resolves to a parking page. Besides, the disputed domain name has been set up with MX records. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.
Besides, although the domain name appears to be unused, it has been set up with MX records which suggests that it may be actively used for email purposes.
On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

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. Rights
Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.
From the evidence provided, and not contested by the Respondent, the Complainant owns a number of trademark registrations for the mark CREDIT AGRICOLE.
The disputed domain name reproduces the Complainant's Trademark in its entirety with the Top-Level Domain ".store".
The addition of the generic TLD suffix ".store" does not have the capacity to distinguish the disputed domain name from the Complainant's Trademark and is disregarded when comparing the disputed domain name with the Complainant's Trademark.
Accordingly, the Panel finds for the Complainant under paragraph 4(a)(i) of the Policy.

2. Absence of Rights or Legitimate Interests
Next, the Panel finds, that the Respondent lacks rights or legitimate interest in the disputed domain name. Once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden shifts to the Respondent to show that it has rights or legitimate interests in respect to the disputed domain name.
The Complainant has stated that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
The Complainant also stated that it has not licensed nor allowed the Respondent to use the disputed domain name.
The Panel finds that the Complainant has established a prima facie case in this regard, inter alia, due to the fact that the Complainant has not licensed or otherwise permitted the Respondent to use the CREDIT AGRICOLE Trademark, or a variation thereof.
The Respondent had not submitted a Response and did not provide any evidence to show any rights or legitimate interests in the disputed domain name that is sufficient to rebut the Complainant's prima facie case.
Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
The Panel finds for the Complainant under paragraph 4(a)(ii) of the Policy.

3. Bad Faith
The Complainant must show that the Respondent registered and is using the disputed domain name in bad faith (Policy, paragraph 4(a)(iii)).
As established in other UDRP decisions, CREDIT AGRICOLE is a well-known trademark (see, among others, WIPO Cases No. D2010-1683, No. D2012-0258).
The Complainant has submitted evidence, which shows that the Respondent registered the disputed domain name long after the Complainant registered its Trademark and domain names. According to the evidence filed by the Complainant, the Complainant has owned a registration for the CREDIT AGRICOLE Trademark since at least the year 2006. It is suggestive of the Respondent's bad faith in these particular circumstances that the Trademark, owned by the Complainant, was registered long before the registration of the disputed domain name.
The CREDIT AGRICOLE Trademark is also well-known, without any response from the Respondent, the Panel concludes that it is highly likely that the Respondent had prior knowledge of the Trademark. The Panel finds that the disputed domain name was registered and is being used by the Respondent with knowledge of the Complainant and in bad faith.
Lastly, it is clear from the selection of the domain name, that the Respondent has purposely targeted the Complainant's Trademark.
Further, the disputed domain name is currently inactive. An inactive website can, in appropriate circumstances, indicate the Respondent's bad faith. The Respondent did not come forward with any explanation of the intended future use of the disputed domain name. It is difficult to think of a future use which is not connected to the Complainant due to the style of the disputed domain name.
Based on the evidence that was presented to the Panel, including the Complainant's registered Trademarks, the use of the Complainant's Trademark in the disputed domain name, the current use of the disputed domain name and the Respondent's failure to answer the Complaint, the Panel finds that the disputed domain name was registered and is being used in bad faith.
For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph

4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CREDITAGRICOLE.STORE**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2022-01-31

Publish the Decision