

Decision for dispute CAC-UDRP-104799

Case number	CAC-UDRP-104799
Time of filing	2022-08-19 00:00:00
Domain names	amundi-investment.com

Case administrator

Name	Iveta Špiclová (Case admin)
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Complainant

Organization	AMUNDI ASSET MANAGEMENT
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	1337 Services LLC
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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 relies on International Trademark No. 1024160 for the word mark AMUNDI registered since 24 September 2009.

FACTUAL BACKGROUND

The Complainant is Europe's largest asset manager in terms of assets under management. It provides its services to over 100 million retail, institutional and corporate clients from offices in 35 countries around the world. It is the owner of International Trademark No. 1024160 for the word mark AMUNDI registered since 24 September 2009 as well as the domain name amundi.com, which locates its main website.

The disputed domain name was registered on 4 August 2022. When the registration came to the attention of the Complainant, the disputed domain name located a website with a similar appearance to that of the Complainant's website at www.amundi.com. By the date of the Complaint, the disputed domain name merely located a web page stating "Ce site est inaccessible".

PARTIES CONTENTIONS

No administratively compliant response has been filed.

RIGHTS

The Complainant has registered rights in the mark AMUNDI by virtue of its international registration no. 1024160.

The Panel further finds that the disputed domain name is confusingly similar to this mark, from which it differs only by the addition of the descriptive word "investment" (separated from the mark by a hyphen) and the generic top level domain suffix. The addition of the word "investment" enhances rather than mitigates the risk of confusion, since it is directly descriptive of the Complainant's business.

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 Panel finds on the undisputed evidence that the Respondent has not made or prepared to make any bona fide offering of goods or services under the disputed domain name or any corresponding name, that it is not commonly known by the disputed domain name, and that it is not making a legitimate non-commercial or fair use of the disputed domain name. On the contrary, the Panel considers that the Respondent's use of the disputed domain name has been in bad faith, illegitimate and unfair, in order to misleadingly divert consumers by its confusing similarity to the Complainant's mark and the similarity between the website to which it was originally directed and that of the Complainant.

The Complainant has not authorised the Respondent to use the disputed domain name and there does not appear to be any other basis on which the Respondent could claim that it has rights or legitimate interests in the disputed domain name.

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

As the Complainant points out, the combination of the Complainant's well-known and distinctive mark and the descriptive term "investment" indicate that the registration of the disputed domain was not coincidental, but rather was intended to cause confusion with the Complainant's mark and business. This inference is reinforced by the similarity in the website originally located by the disputed domain name to that of the Complainant.

In all the circumstances, 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

The disputed domain name consists of the Complainant's registered mark together with the descriptive word "investment" and the generic top level domain suffix; these additions do not avoid confusion. The Respondent has not made any bona fide, fair or legitimate use of the disputed domain name, is not commonly known by it and has not been authorised to use it by the Complainant. The combination of the Complainant's well-known and distinctive mark with the term "investment" describing its business indicate that the domain name was intended to cause confusion and this inference is reinforced by the similarity between the website to which the disputed domain name was originally directed and that of the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. AMUNDI-INVESTMENT.COM: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION 2022-09-29

Publish the Decision
