

Decision for dispute CAC-UDRP-105151

Case number	CAC-UDRP-105151
Time of filing	2023-02-02 08:34:55
Domain names	amundifinanceltd.com

Case administrator

Name	Olga Dvořáková (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

Name	johnny vellor
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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

AMUNDI ASSET MANAGEMENT (please see their website at: www.amundi.com) is Europe's number one asset manager by assets under management and has offices 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.

The Complainant is the owner of the international trademark n° 1024160 AMUNDI® registered since September 24th, 2009.

The Complainant is also the owner of domain names including the trademark AMUNDI®, such as the domain names:

- <amundi.com>, registered and used since August 26th, 2004;
- <amundi-finance.com>, registered and used since April 17th, 2020.

The disputed domain name <amundifinanceltd.com> was registered on January 13th, 2023 and it is inactive.

FACTUAL BACKGROUND

The Complainant contends that the disputed domain name <amundifinanceltd.com> is confusingly similar to the trademark AMUNDI®. Indeed, the disputed domain name contains the Complainant's trademark AMUNDI® in its entirety.

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).

The addition of the terms "FINANCE" and "LTD" is not sufficient to avoid the likelihood of confusion. It is well-established that "*a domain name that wholly incorporates a Complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP*". Please see WIPO Case No. D2003-0888, *Dr. Ing. h.c. F. Porsche AG v. Vasilij Terkin*.

On the contrary, the addition of these terms worsens the likelihood of confusion, as they directly refer to the Complainant's subsidiary AMUNDI FINANCE and its website <https://www.amundi-finance.com/>

It is also well established that the TLD is viewed as a standard registration requirement and as such is disregarded. Please see Forum Case No. FA 153545, *Gardline Surveys Ltd v. Domain Finance Ltd*. ("*The addition of a top-level domain is irrelevant when establishing whether or not a mark is identical or confusingly similar, because top-level domains are a required element of every domain name.*").

Finally, the Complainant's rights over the term "AMUNDI" have been confirmed by previous Panels. See for instance:

- CAC Case No. 104650, *AMUNDI ASSET MANAGEMENT v. Domain Management <amundiimmobilier.com>*;
- WIPO Case No. D2022-0730, *Amundi Asset Management v. Laurent Guerson <amundi-europe.com>*;
- WIPO Case No. D2019-1950, *Amundi Asse Management v. Jean René <amundi-invest.com>*.

Thus, the domain name <amundifinanceltd.com> is confusingly similar to a trademark in which the Complainant has rights.

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).

According to the 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 is not known 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. Thus, the Respondent is not known as the disputed domain name. See for instance:

- Forum Case No. FA 1781783, *Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>* ("*Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).*")
- Forum Case No. FA 699652, *The Braun Corporation v. Wayne Loney*

The Respondent has no rights or legitimate interests in respect of the domain name <amundifinanceltd.com> and that he is not related in any way to the Complainant's business. The Complainant contends that the Respondent is not affiliated with him nor authorized by him in any way to use the trademark AMUNDI®. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Moreover, the disputed domain name is inactive. The Respondent did not use the disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. See for instance Forum Case No. FA 1773444, *Ashley Furniture Industries, Inc. v. Joannet Macket / JM Consultants* ("*The Panel finds that Respondent's lack of content at the disputed domain shows the lack of a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy ¶ 4(c)(i) and (iii).*").

Accordingly, the Respondent has no rights or legitimate interests in respect of the disputed domain name <amundifinanceltd.com>.

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).

The disputed domain name <amundifinanceltd.com> is confusingly similar to its trademark AMUNDI® and domain names associated. The trademark AMUNDI® is well-known. See CAC case n° 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.”).

Besides, the addition of the terms “FINANCE LTD” worsens the likelihood of confusion, as they directly refer to the Complainant’s subsidiary AMUNDI FINANCE and its website <https://www.amundi-finance.com/>.

Thus, given the distinctiveness of the Complainant’s trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant’s trademarks. Please see for instance WIPO Case No. D2004-0673, *Ferrari S.p.A v. American Entertainment Group Inc.*

Besides, the disputed domain name is inactive. 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 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. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

See for instance:

- WIPO Case No. D2000-0003, *Telstra Corporation Limited v. Nuclear Marshmallows*;
- WIPO Case No. D2000-0400, *CBS Broadcasting, Inc. v. Dennis Toeppen*.

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 <amundifinanceltd.com> is confusingly similar to the trademark AMUNDI®. Indeed, the disputed domain name contains the Complainant’s trademark AMUNDI® in its entirety. The disputed domain name is inactive. The Panel did not find any rights or legitimate interest of the Respondent. Complainant’s contentions remained uncontested during the proceeding. The inactivity of the Respondent supports the finding of bad faith registration and use of the disputed domain name. The Panel is satisfied that all three parts of the UDRP test were met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amundifinanceltd.com**: Transferred

PANELLISTS

Name	Thomas Hoeren
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DATE OF PANEL DECISION	2023-02-24
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Publish the Decision
