

Decision for dispute CAC-UDRP-105215

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| Case number | CAC-UDRP-105215 |
| Time of filing | 2023-02-21 09:20:19 |
| Domain names | amumdi-ee.com, amundi-eee.com |

Case administrator

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

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| Organization | AMUNDI ASSET MANAGEMENT |
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Complainant representative

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| Organization | NAMESHIELD S.A.S. |
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Respondent

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| Name | Jason L Monroe |
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant owns the international trademark registration n. 1024160 "AMUNDI" (word), registered on September 24, 2008, for various services in class 36.

The Complainant also owns and uses various domain names incorporating the term "AMUNDI", including the domain name <amundi-ee.com>, which was registered on September 24, 2009, and which Complainant uses for a website regarding company savings schemes (the letters "EE" stand for the French words "Epargne Entreprise", which means "company savings schemes").

The disputed domain names were both registered on February 13, 2023, i.e., the Complainant's trademark registration cited above predates the registration of the disputed domain names.

FACTUAL BACKGROUND

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

The Complainant is Europe's leading financial asset manager (by assets under management) with offices in Europe, Asia-Pacific, the Middle East, and the Americas. The Complainant has over 100 million retail, institutional and corporate clients globally.

The disputed domain names both resolve to parking page websites with commercial advertising links that promote various financial services offered by third parties.

The Complainant further contends that the Respondent is neither affiliated with nor authorized by the Complainant in any way. The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. 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 "AMUNDI", or to apply for registration of the disputed domain names.

PARTIES CONTENTIONS

Complainant's contentions are summarised above.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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 names are both confusingly similar to the Complainant's distinctive trademark "AMUNDI":

- For <amumdi-ee.com>, neither substitution of the letter "N" in the Complainant's mark by the visually similar letter "M" in the domain name, nor the addition of the letters "EE" (standing for the French words "Epargne Entreprise"), nor the generic Top-Level Domain suffix ".com" change the overall impression of the designation as being connected to the Complainant's "AMUNDI" trademark. On many computer keyboards the letters "M" and "N" are located directly next to each other, which makes <amumdi-ee.com> a typical "typo" variation of the Complainant's own <amundi-ee.com> domain name.
- For <amundi-eee.com>, the disputed domain name contains the Complainant's trademark "AMUNDI" in its entirety. Neither the addition of the letters "EEE", nor the generic Top-Level Domain suffix ".com" change the overall impression of the designation as being connected to the Complainant's "AMUNDI" trademark. The accidental duplication of letters is a common typographical error, which makes <amundi-eee.com> a typical "typo" variation of the Complainant's own <amundi-ee.com> domain name, too.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names, nor is commonly known under the disputed domain names. Using the disputed domain names for parking page websites with commercial advertising links to third-party products may be considered a "use" of the disputed domain name in connection with an "offering of goods or services" – but given the Complainant's own website under <amundi-ee.com> and the "typosquatting" nature of the disputed domain names it is not a bona fide offering. The Complainant's prima facie evidence was not challenged by Respondent.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain names in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to the Respondent's advertising pages by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the products advertised there, paragraph 4(b)(iv) of the Policy. Again, the Complainant's prima facie evidence was not challenged by Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amumdi-ee.com**: Transferred
2. **amundi-eee.com**: Transferred

PANELLISTS

| | |
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| Name | Dr. Thomas Schafft |
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DATE OF PANEL DECISION **2023-04-06**

Publish the Decision
