

Decision for dispute CAC-UDRP-105662

Case number	CAC-UDRP-105662
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Time of filing	2023-07-26 09:45:17
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Domain names	vamundi.info
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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

Organization	Benjamin Falkentoft
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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 is – among others - the owner of the international trademark registration n° 1024160 AMUNDI, registered on September 24, 2009, and of several domain names including the trademark "AMUNDI", like <amundi.com> which has been registered on August 26, 2004.

FACTUAL BACKGROUND

The Complainant is the first European asset manager in terms of assets under management, with offices in 37 countries worldwide and over 100 million retail, institutional and corporate clients. The Complainant is the owner of the trademark "AMUNDI", registered at an international level, and of the domain name <amundi.com>, both registered before the disputed domain name.

The Respondent has registered <vamundi.info> on July 17, 2023 and – as of this day – the latter has been used in connection with parking page containing commercial links.

The Respondent did not reply to Complainant's contentions.

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 has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to the Complainant's trademarks (within the meaning of paragraph 4(a)(i) of the Policy)

In particular, the Panel finds that the disputed domain name is almost identical to the Complainant's trademark "AMUNDI".

In this regard, it shall be noted that <vamundi.info> exactly reproduces the trademark "AMUNDI", with the mere addition of letter "v", which is not sufficient to escape the finding that the disputed domain name is confusingly similar to such trademark. As a matter of fact, the present case could be considered an example of typosquatting, (see, among others, CAC Dispute No. 103166, *BOURSORAMA SA v. Cloud DNS Ltd* <recover-bousorama.link> ("A domain name that contains sufficiently recognizable aspects of the relevant mark and uses a common name, obvious or intentional misspelling of that mark is considered by UDRP panels to be similar to the relevant mark for the purposes of the first element (see paragraph 1.9 WIPO Overview 3.0)").

2. 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)

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name 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 name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent, which did not file any Response to the complaint filed by Amundi Asset Management.

As a matter of fact, there are no arguments why the Respondent could have own rights or legitimate interests in the disputed domain name. "AMUNDI" definitely is a distinctive sign used by the Complainant both as business name and as trademark in order to denote its services. Therefore, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <vamundi.info>.

3. The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy)

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name 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 name.

Indeed, 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.*

Furthermore, since the disputed domain name resolves to a registrar parking page with commercial links, it is very likely the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain (see WIPO Case No. D2018-0497, *StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC*).

As indicated in many CAC and WIPO decisions, the Complainant's AMUNDI trademark is deemed well-known and highly distinctive. In this regard, it is hard to believe that the Respondent was not aware of the registration and the use of the Complainant's trademarks before the registration of the disputed domain name.

In the absence of a response from the Respondent and given the reputation of the Complainant and its trademarks, the Panel infers that the Respondent had the Complainant's trademarks "AMUNDI" in mind when registering the disputed domain name. Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **vamundi.info**: Transferred

PANELLISTS

Name	Tommaso La Scala
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DATE OF PANEL DECISION 2023-09-01

Publish the Decision