

Decision for dispute CAC-UDRP-105675

Case number	CAC-UDRP-105675
Time of filing	2023-08-01 09:42:54
Domain names	amundi-apps.com, amundi-globals.com, amundi-vip.com, amundi-vips.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	yyy lang
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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 is the owner of international trademark no. 1024160 AMUNDI® registered on 24 September 2009, in class 36. ("Complainant's Trademark").

The disputed domain names were registered on 26 July 2023.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) The Complainant 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.

(b) The Complainant owns the Complainant's Trademark.

(c) The Complainant also owns the domain name <amundi.com>, registered on 26 August 2004, used for its official website. The Complainant also owns other domain names comprising the distinctive wording AMUNDI® and terms related to its activities, such as <amundi-funds.com>, registered on 16 September 2009.

(d) The disputed domain names were registered on 26 July 2023 and resolve to a parking page.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) The disputed domain names are confusingly similar to Complainant's Trademark. They contain Complainant's Trademark followed by a generic terms "globals", "apps", "vips" or "vip". Adding such non-distinctive terms does not diminish confusing similarity of the disputed domain names to Complainant's Trademark.

(ii) The Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademark. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's Trademark or apply for registration of the disputed domain names. The Respondent did not make any use of disputed domain names, and it confirms that Respondent has no demonstrable plan to use the disputed domain names. Therefore, the Respondent has no rights or legitimate interest in respect of the disputed domain names.

(iii) Given the distinctiveness of the Complainant's Trademark and its reputation, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's Trademark. The Respondent has not demonstrated any activity in respect of the disputed domain names, and it is not possible to conceive of any plausible actual or contemplated active use of such domain names 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. This amounts to bad faith in registration and use of the disputed domain names.

For the above reasons, the Complainant seeks transfer of the disputed domain names to the Complainant.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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 Uniform Domain Name Dispute Resolution Policy ("UDRP" or "Policy")).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that a disputed domain name should be transferred or revoked:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

RIGHTS

The disputed domain names are confusingly similar to Complainant's Trademark. They contain the Complainant's Trademark "AMUNDI" and then a non-distinctive term "globals", "apps", "vip" or "vips" is added which is not sufficient to distinguish disputed domain names from Complainant's Trademark.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTEREST

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, a respondent carries the burden of demonstrating rights or legitimate interests in a domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

There are no websites under the disputed domain names. As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain names. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent did not establish any right or legitimate interest to the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Panel agrees with the Complainant that given the distinctiveness of the Complainant's Trademark and its reputation, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's Trademark. In this respect, the Panel also deems appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of disputed domain names to determine whether its registration infringes or violates someone else's rights.

In the light of the above circumstances the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain names by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. As a result, the Panel holds that the disputed domain names have been registered and are being used by the Respondent in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

As a result, the Panel found that the disputed domain names have been registered and are being used by the Respondent in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amundi-apps.com**: Transferred
2. **amundi-globals.com**: Transferred
3. **amundi-vip.com**: Transferred
4. **amundi-vips.com**: Transferred

PANELLISTS

Name	Michal Matějka
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DATE OF PANEL DECISION **2023-09-02**

Publish the Decision
