Decision for dispute CAC-UDRP-106117

Case number	CAC-UDRP-106117
Time of filing	2023-12-28 09:20:28
Domain names	amunddt.com

Case administrator

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

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	cozzy john

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 the owner of the international word trademark AMUNDI (Reg. No. 1024160), registered since September 24, 2009, in class 36.

FACTUAL BACKGROUND

The Complainant, AMUNDI ASSET MANAGEMENT is one of the Europe's leading companies in asset management and has offices in many countries in Europe, Asia-Pacific, the Middle-East and the Americas. The Complainant is the owner of the international word trademark AMUNDI (Reg. No. 1024160), registered since September 24, 2009, in class 36. The Complainant is also the owner of domain name <amundi.com>, registered and used since August 26, 2004.

The Respondent registered the disputed domain name <amunddt.com> on December 19, 2023 and it resolves to a copy of the Complainant's official website <https://www.amundi.fr/>, displaying notably its trademark.

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

The Complainant, AMUNDI ASSET MANAGEMENT, is a well-known asset management company in Europe and has offices in 36 countries 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. As it was stated in recent CAC case No. 101803, AMUNDI v. John Crawford (also repeated in more recent CAC case No. 104650, AMUNDI v. Domain Management), “The trademark of Complainant has been existing for a long time and is well-known.”).

The Panel agrees with the Complainant that the disputed domain name <amunddt.com> is confusingly similar to the Complainant's trademark AMUNDI. Considering the renown of the Complainant and its trademark, it becomes evident that the obvious misspelling of the Complainant’s trademark AMUNDI (i.e. the substitution of the letter “I” by the letter “D”, and the addition of the letter “T”) is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the disputed domain name (section 1.9 of WIPO Overview 3.0 states: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”).

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to use Complainant’s trademarks in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. Respondent’s use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use (Policy Para. 4(c)).

On these bases, the Panel concludes that the Respondent does not have any rights or legitimate interests in regard to the disputed domain name.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent, when it registered the disputed domain name, meant nothing else except the Complainant's trademark AMUNDI (see WIPO Overview 3.0, para. 3.1.1). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name resolves to a copy of the Complainant’s official website https://www.amundi.fr/, displaying Complainant’s trademark. The evidence in this case also show that the disputed domain name has been used to impersonate the

Complainant's official website for France. Therefore, it is clear that the Respondent used the disputed domain name to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark. This qualifies as bad faith use under paragraph 4(b)(iv) of the Policy.

On these bases, the Panel concludes that the Respondent has both registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amunddt.com**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2024-02-01

Publish the Decision