Decision for dispute CAC-UDRP-106799

Case number	CAC-UDRP-106799
Time of filing	2024-08-14 15:50:09
Domain names	amundigroup.com, amundigroupe.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	Pierre Dubois

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 the following International Registered Trademark:

AMUNDI, word mark, registered on September 24, 2009 under number 1024160 in Class 36 and designated in respect of 18 territories.

FACTUAL BACKGROUND

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. The Complainant ranks in the top 10 global asset managers and has over 100 million retail, institutional and corporate clients.

The Complainant is the owner of international registered trademark no. 1024160 for the word mark AMUNDI, registered on September 24, 2009. The Complainant is the registrant of the domain name <amundi.com>, registered on August 26, 2004, which is used for its official website. The Complainant also owns several other domain names including its AMUNDI trademark.

The disputed domain names were registered on August 9, 2024 and each resolves to a parking page with commercial links. MX

servers are configured for each.

PARTIES CONTENTIONS

Complainant:

The disputed domain names wholly incorporate and are confusingly similar to the Complainant's AMUNDI registered trademark, and the addition of the term "group" or its French equivalent "groupe" is insufficient to avoid the likelihood of confusion or to change the overall impression of the designations as being connected to the Complainant's said trademark. The generic top-level domain in each of the disputed domain names is viewed as a standard registration requirement and can be disregarded for comparison purposes. The Complainant's rights have been confirmed by previous panels under the Policy.

The Respondent is not commonly known by the disputed domain names and the Respondent's Whois information is not similar to the disputed domain names. The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with the Complainant. No authorization has been granted to the Respondent by the Complainant to use its AMUNDI trademark.

The disputed domain names redirect to parking pages with commercial links. Previous panels under the Policy have found that this is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

The disputed domain names are confusingly similar to the Complainant's AMUNDI trademark and associated domain names, and such mark is well-known, under reference to a previous case under the Policy. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademarks.

The use of the disputed domain names to redirect to parking pages with commercial links indicates that the Respondent has attempted to attract Internet users for commercial gain to its own websites by use of the Complainant's trademark, which is evidence of bad faith.

The disputed domain names have been set up with MX records, suggesting that they may be actively used for e-mail purposes, and it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain names as part of an e-mail address.

Respondent:

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

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The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in its AMUNDI trademark by virtue of International Registered Trademark Number 1024160. The Second-Level Domain of the disputed domain names contain the said trademark in its entirety, suffixed with the word "group" or "groupe" respectively, each of which has no distinguishing significance. The said mark is therefore fully recognizable in the disputed domain names based upon a straightforward side-by-side comparison. The generic Top-Level Domain in respect of each of the disputed domain names, namely ".com", is typically disregarded for the purposes of the comparison under the first element analysis of the Policy. Accordingly, the Panel finds that the disputed domain names are each confusingly similar to the Complainant's AMUNDI trademark.

With regard to the second element of the Policy, the Complainant asserts that the Respondent is not commonly known by the disputed domain names (according to a review of the corresponding Whois information), that the Respondent is neither affiliated with nor authorized by the Complainant in any way, that the Respondent does not carry out any activity for, nor has any business with the Complainant, and that no authorization has been granted to the Respondent by the Complainant to use its AMUNDI trademark. The Complainant submits, with corresponding evidence, that the disputed domain names are both being used for parking pages with commercial advertising links. Such links appear to the Panel to be concerned with the Complainant's line of business.

The Panel finds that the Complainant's assertions, taken together, are sufficient to constitute the requisite prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names (see, for example, section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")). The disputed domain names incorporate the Complainant's trademark, which has been found to be well-known in a previous case under the Policy, and merely couple this to the English dictionary word "group" and the French dictionary word "groupe", which are words commonly used to indicate a corporate structure. The composition of the disputed domain names therefore effectively impersonates or suggest endorsement by the Complainant and, as such, cannot constitute fair use. Furthermore, the websites associated with the disputed domain names each point to a parking page containing advertising links which appear to the Panel to be taking advantage of the notoriety, reputation and goodwill of the Complainant's mark unfairly to maximize the number of clicks or impressions, such that this cannot give rise to rights or legitimate interests in either of the disputed domain names. The fact that the websites concerned may be provided by a third party would not alter this view as the Respondent is ultimately responsible for the content on the websites associated with the disputed domain names.

The Respondent has not replied to the Complainant's allegations and evidence in this case and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain names. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

The Panel finds that the disputed domain names have been registered and are being used in bad faith. The Complainant's trademark registration is long-established and pre-dates the registration of the disputed domain names by around 15 years. A previous panel under the Policy has accepted that the Complainant's mark is well-known, see AMUNDI S.A. v. John Crawford, CAC Case No. 101803. Furthermore, the Respondent's address and telephone number suggest that it is based in France, despite the Respondent's addition of the two-letter country code for Israel, which appears to be an error. The Complainant also has a place of business in France. It is therefore entirely reasonable, in the absence of any countervailing submissions or evidence, to infer that the disputed domain names were registered by the Respondent with an awareness of the Complainant and its rights, and with an intent to target these.

The websites associated with the disputed domain names feature commercial advertising links which seem to be keyed to the Complainant's line of business. The Panel is satisfied, on the balance of probabilities, that the disputed domain names take unfair advantage of the notoriety of the Complainant's trademark to maximize the traffic to the Respondent's websites in order to benefit from the corresponding advertising impressions. As noted above, the use of such advertising links is indicative of registration and use in bad faith even if the Respondent has not directly published the links concerned, as the registrant of a domain name is generally deemed responsible for the content on any associated website. In terms of paragraph 4(b)(iv) of the Policy, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of its websites.

The Panel also notes the presence of MX records on the nameservers associated with the disputed domain names, indicating that they are capable of receiving e-mail correspondence. The Panel considers that any e-mail correspondence bearing to be sent from the disputed domain names would make a false representation of affiliation with or endorsement by the Complainant in and of itself. Consequently, such configuration is a further indication of registration and use in bad faith in respect of each of the disputed domain names.

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith within the meaning of the Policy. The Respondent has not filed a Response in this case and therefore has not sought to address the Complainant's allegations of bad faith registration and use in any way. The Respondent has not offered any explanation that might have suggested that its actions regarding the disputed domain names were in good faith, and the Panel has been unable to identify any conceivable good faith explanation which the Respondent might have put forward in this case.

In all of these circumstances, the Panel finds that the disputed domain names have been registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

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Accepted

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

1. **amundigroup.com**: Transferred
2. **amundigroupe.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2024-09-11

Publish the Decision