

Decision for dispute CAC-UDRP-107152

Case number CAC-UDRP-107152

Time of filing 2024-12-12 14:03:02

Domain names amundibond.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization AMUNDI ASSET MANAGEMENT

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization amundibond

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 registered owner of the international trademark AMUNDI, No. 1024160.

The trademark was registered on 24 September 2009 in class 36 of the International Nice Classification.

FACTUAL BACKGROUND

The Complainant is an asset management company providing investment solutions and services to a wide range of clients in Europe, Asia-Pacific, the Middle-East and the Americas.

Besides the International trademark No. 1024160, the Complainant is also the registrant of a domain name <amundi.com>, registered on 26 August 2004.

No information is known about the Respondent who registered the disputed domain name <amundibond.com> on 6 December 2024.

At the time this proceeding commenced, the disputed domain name was redirected to a website offering financial services. By the time of this decision, it redirected to a blank webpage with no content.

PARTIES CONTENTIONS

COMPLAINANT'S CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name <amundibond.com> and the Complainant's registered trademark AMUNDI are confusingly similar.

Particularly, the Complainant contends that its trademark is fully contained within the disputed domain name and points out that the particle "BOND", is not sufficient to avoid the likelihood of confusion.

Moreover, the Complainant also points out that the applicable Top-Level suffix "-com" is viewed as a standard registration requirement and as such is disregarded.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name and that he is not related in any way to the Complainant's business. The Complainant contends that the Respondent is not affiliated with him nor authorized by him in any way to use the trademark AMUNDI. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Registered and used in bad faith

As far as bad faith registration is concerned, the Complainant states due to its worldwide presence and considering that the Complainant's sign "AMUNDI" is a well-known mark (as stated in CAC case n° 101803, AMUNDI v. John Crawford), the Respondent could not be unaware of the Complainant rights over the name AMUNDI at the time of the disputed domain name registration.

Furthermore, the Complainant asserts that the Respondent chose to register the disputed domain name to create a likelihood of confusion with the Complainant and its trademark. By profiting from the notoriety of the Complainant's trademark in the domain name, the Respondent uses the disputed domain name to offer services in direct competition with the Complainant. In view of the Complainant, the use of a confusingly similar domain name that resolves to a competing webpage is not a bona fide offering of goods or services.

RESPONDENT'S CONTENTIONS:

The Respondent did not respond to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to trademark 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 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

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

1.

The Panel finds that the disputed domain name <amundibond.com> fully incorporates the Complainant's registered trademark "AMUNDI".

The additional element "BOND" in the disputed domain name has a lower degree of distinctiveness as it refers to a type of debt security or financial instrument that represents a loan made by an investor to a borrower. Therefore, addition of such particle is not sufficient to differentiate the signs.

Moreover, the gTLD ".com", which would usually be disregarded as it is a technical requirement of registration, does not alter the overall very similar impression the disputed domain name and the registered trademark produce.

Accordingly, the Panel considers that the disputed domain name and the Complainant's previously registered trademark are confusingly similar and infers that paragraph 4(a)(i) of the Policy is satisfied.

2. According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "AMUNDI" / "AMUNDIBOND", or any combination of such names.

Furthermore, the disputed domain name is not associated with any real business activity and resolve currently to a webpage with apparently offers some financial services for the sole purpose of attracting Internet users to such webpage. Therefore, the Respondent does not appear to have a legitimate interest in the disputed domain name but instead appears to use the disputed domain name for his own commercial gain by creating a likelihood of confusion with the Complainant's trademark.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3. Given the widespread presence of the Complainant's trademark and the way how the Respondent is using the disputed domain name, which is confusingly similar to the Complainant's trademark, the Panel finds that the Complainant intended to freeride on the reputation of the Complainant's trademark in an attempt to exploit, for its commercial gain, Internet users destined for the Complainant.

In other words, in the absence of sufficient evidence to the contrary and rebuttal from the Respondent, the Panel infers that by choosing to register the disputed domain name which is similar to the Complainant's trademark and by intending to exploit, for commercial gain, Internet users destined for the Complainant, the Respondent's activity is indicative of registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **amundibond.com**: Transferred

PANELLISTS

Name	Hana Císlerová
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DATE OF PANEL DECISION 2025-01-16

Publish the Decision
