

## Decision for dispute CAC-UDRP-107242

Case number	<b>CAC-UDRP-107242</b>
Time of filing	<b>2025-01-15 09:28:55</b>
Domain names	<b>amundim-trade.info, amundim.info</b>

### Case administrator

Name	<b>Olga Dvořáková (Case admin)</b>
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### Complainant

Organization	<b>AMUNDI ASSET MANAGEMENT</b>
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### Complainant representative

Organization	<b>NAMESHIELD S.A.S.</b>
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### Respondent

Name	<b>Trevor</b>
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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 uses the AMUNDI trademark in relation to the provision of asset management services and is the owner of the following trademark registration:

- international trademark n° 1024160 AMUNDI registered since September 24, 2009, for services in class 36.

#### FACTUAL BACKGROUND

The Complainant is an international financial services provider, primarily engaged in asset management. It has an established Internet presence and is the owner of the Internet domain name <amundi.com> which it registered on August 26, 2004, and which resolves to the Complainant's principal website.

The disputed domain names are <amundim.info> and <amundim-trade.info>, both of which were registered on January 11, 2025. The former disputed domain name resolves to a website that impersonates the Complainant, by using the Complainant's AMUNDI mark and name across the site while purporting to offer "Trading Solutions for Financial Markets"; whereas the latter disputed domain name does not resolve to any active website.

Each of the disputed domain names was registered availing of a privacy service to conceal the identity of the registrant. In response to a

request by the Centre for details of the registration of the disputed domain name for the purposes of this proceeding, the Register disclosed that the Respondent is the registrant of each.

There is no information available about the Respondent except for that provided in the Complaint, as amended, the Registrar's Whois and the information provided by the Registrar in response to the request by the Centre for details of the registration of the disputed domain name for the purposes of this proceeding.

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## PARTIES CONTENTIONS

### The Complainant

The Complainant claims rights in the AMUNDI service mark based on its ownership of the international trademark registration described above and extensive use of the mark including on its website at <amundi.com> promoting its asset management services online.

The Complainant asserts that it has over 100 million retail, institutional and corporate clients, with more than €2 trillion of assets under management. These assertions are supported by public statements posted on the Complainant's website.

Firstly, the Complainant alleges that the disputed domain names are confusingly similar to the AMUNDI mark in which the Complainant has rights, arguing that they each contain the Complainant's AMUNDI mark in its entirety; and in each case the addition of the letter "m" to the end of the AMUNDI mark is not sufficient to escape a finding that the disputed domain names are confusingly similar to the Complainant's mark.

The Complainant further argues that appending the letter "m" to the AMUNDI mark in each of the disputed domain names is an exercise in typosquatting.

Addressing each of the disputed domain names in turn, it is argued that the addition of the term "trade" in the domain name <amundim-trade.info> is not sufficient to avoid the likelihood of confusion. It does not change the overall impression of the designation as being connected to the Complainant's AMUNDI mark. Therefore, it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the Complainant's own Internet domain name <amundi.com>.

Citing the decision in *Dr. Ing. h.c. F. Porsche AG v. Vasily Terkin* WIPO Case No. D2003-0888, the Complainant submits that it is well-established that a domain name that wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the Policy.

The Complainant further submits that it is well established that the generic Top-Level Domain ("gTLD") extension in a domain name at issue should be viewed as a standard registration requirement and as such disregarded: citing *Gardline Surveys Ltd v. Domain Finance Ltd*, Forum Claim FA 153545, ("The addition of a top-level domain is irrelevant when establishing whether or not a mark is identical or confusingly similar, because top-level domains are a required element of every domain name.").

Secondly, the Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name for the following reasons:

- the Respondent is not known as the disputed domain names, and past panels established under the Policy have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name;
- the Respondent is not related in any way to the Complainant's business;
- the Respondent is not affiliated with the Complainant nor authorized by the Complainant in any way to use the trademark AMUNDI;
- the Complainant neither carries out any activity for, nor has any business with the Respondent;
- the disputed domain name <amundim.info> is a typosquatted version of the trademark AMUNDI, by which the Respondent is endeavouring to take advantage of Internet users' typographical errors, see, *The Hackett Group, Inc. v. Brian Hems / The Hackett Group*, Forum Claim 1597465 ("The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy paragraph 4(a)(ii).");
- screen capture of the website which is exhibited in an annex to the Complaint shows that the disputed domain name <amundim.info> resolves to a website purporting to offer trading solutions that compete with the trading services provided by the Complainant; and thereby the Respondent is purporting to profit from the notoriety of the Complainant's service mark within the disputed domain name;
- such use of the confusingly similar disputed domain name to resolve to a competing webpage is not a *bona fide* offering of goods or services;
- furthermore, a screen capture of the screen capture of the webpage to which the disputed domain name <amundim-trade.info> resolves which is also annexed to the Complaint, shows that the disputed domain name <amundim-trade.info> is inactive which proves that the Respondent lacks legitimate interests in the disputed domain name;
- therefore, the Complainant contends that the disputed domain names were registered in order to create a likelihood of confusion with the Complainant and its trademark.

The Complainant next alleges that the disputed domain names were registered and are being used in bad faith, arguing that the Complainant's AMUNDI mark is well-known. In this regard, the Complainant refers to a prior decision of a panel in *AMUNDI v. John Crawford* CAC case n° 101803, ("The trademark of Complainant has been existing for a long time and is well-known. Respondent knew or should have known that the disputed domain name included Complainant's trademark.").

The Complainant adds that as a direct competitor of the Complainant, the Respondent could not have been unaware of the existence of the Complainant and its prior rights.

Therefore, 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 trademarks.

The Complainant adds that the misspelling of the trademark AMUNDI within each of the disputed domain names is intentionally designed to be confusingly similar to the Complainant's trademark; citing *Microsoft Corporation v. Domain Registration Philippines* Forum Claim FA 877979, ("In addition, Respondent's misspelling of Complainant's MICROSOFT mark in the <microsofsoft.com> domain name indicates that Respondent is typosquatting, which is a further indication of bad faith registration and uses pursuant to Policy ¶ 4(a)(iii).").

Furthermore, the Complainant argues that the abovementioned exhibited screen capture, shows that the disputed domain name <amundim.info> resolves to a website offering trading solutions that compete with the trading services provided by the Complainant; and such use of the disputed domain name to divert Internet users searching for the Complainant's website to the Respondent's competing website, and to create a likelihood of confusion with the Complainant's mark for the Respondent's commercial gain, constitutes bad faith for the purposes of the Policy.

Additionally, the Complainant argues that the abovementioned exhibited screen capture shows that the disputed domain name <amundim-trade.info> is inactive. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name <amundim-trade.info>, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name 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.

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

### **The Respondent**

No administratively compliant response has been filed.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that each of 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 Policy).

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#### 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 either of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown each of 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).

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#### PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

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#### PRINCIPAL REASONS FOR THE DECISION

##### The Complainant's Rights

The Complainant has provided uncontested evidence to prove that on the balance of probabilities it has rights in the AMUNDI service mark, established by its ownership of its international trademark registration described above and extensive use of the mark in its business providing asset management services, including on its website at <amundi.com>.

### Confusing Similarity

The disputed domain name <amundim.info> consists of the Complainant's mark in its entirety, with a letter "m" appended, in combination with the gTLD extension <.net >.

The disputed domain name <amundim-trade.info>, consists of Complainant's mark in its entirety, with a letter "m" appended, in combination with a hyphen, the descriptive word "trade" and the gTLD extension <.net >.

It is well established that where a domain name at issue contains the complainant's trademark in its entirety, that is sufficient evidence for a panel to hold that the disputed domain name is confusingly similar to the complainant's trademark.

In this case, the appendage of the letter "m" to the ADMUNDI mark in both domain names, does not prevent a finding of confusing similarity with respect to either.

Neither does the addition of the hyphen nor the descriptive word "trade", distinguish the disputed domain name <amundim-trade.info> in any way.

Furthermore, it is well established that for the purposes of comparing the disputed domain names with the Complainant's trademark the gTLD extension <.info > may be ignored as it would be considered by Internet users as a necessary technical requirement for a domain name.

This Panel finds therefore that the disputed domain names <amundim.info> and <amundim-trade.info> are each confusingly similar to the ADMUNDI mark in which the Complainant has rights and the Complainant has therefore succeeded in the first element of the test in Policy paragraph 4(a)(i) in respect of each.

### Rights and Legitimate Interests

The Complainant has made out an uncontested prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names.

It is well established that once a complainant makes out a *prima facie* case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

The Respondent has failed to discharge that burden and therefore this Panel must find that the Respondent has no rights or legitimate interests in either of the disputed domain names.

The Complainant has therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

### Registration and Use in Bad Faith

The Complainant has adduced uncontested evidence that it has owned and used the AMUNDI mark since at least September 24, 2009, when the mark was registered as described above, whereas the confusingly similar disputed domain names were not created until January 11, 2025.

The uncontested assertion is that the Complainant has developed an extensive market in its asset management business with over 100 million retail, institutional and corporate clients, and more than €2 trillion of assets under management. These assertions are supported by public statements posted on the Complainant's website.

Furthermore the Complainant has an established Internet presence with its principal website at <amundi.com>.

Based on the uncontested evidence adduced, this Panel finds that, in each case, the registrant added the letter "m" to the Complainant's mark to form the disputed domain names, intentionally misspelling the AMUNDI mark in each of the disputed domain names in an act of typosquatting.

In reaching this decision this Panel is fortified that both of the disputed domain names were registered on the same day by the same person and the website to which the disputed domain name <amundim.info> resolves purports to offer asset management services directly in competition with the Complainant.

This Panel finds therefore that on the balance of probabilities, the disputed domain name was chosen and registered in bad faith to target and take predatory advantage of the Complainant and its goodwill in the AMUNDI mark.

The disputed domain name <amundim.info> is confusingly similar to the Complainant's service mark. The address of the Respondent's website to which the disputed domain name resolves is almost identical to the Complainant's website at <amundi.com>. The evidence shows that the Respondent is using the disputed domain name purporting either to fraudulently impersonate the Complainant or at best to offer to the public asset trading services which directly compete with those offered by the Complainant.

Such intentional unauthorized use of the disputed domain name <amund.com> in an attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site constitutes use of the disputed domain name in bad faith for the purposes of the Policy. In these circumstances, this Panel must find that on the balance of probabilities, the Respondent is using the disputed domain

name <amundim.info> in bad faith.

The disputed domain name <amundim-trade.info> does not resolve to any active website and in consideration of the circumstances of the registration and use of the disputed domain names described above, this Panel finds that on the balance of probabilities such passive holding of the disputed domain name constitutes use in bad faith for the purpose of the Policy.

As this Panel has found that both of the disputed domain names were registered and are being used in bad faith, the Complainant has therefore succeeded in the third element of the test in Policy paragraph 4(a)(iii).

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **amundim-trade.info**: Transferred
2. **amundim.info**: Transferred

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## **PANELLISTS**

Name	<b>James Bridgeman</b>
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DATE OF PANEL DECISION 2025-02-15

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Publish the Decision

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