Decision for dispute CAC-UDRP-107277

Case number	CAC-UDRP-107277
Time of filing	2025-01-30 09:47:36
Domain names	agrauxine-lesaffre.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LESAFFRE ET COMPAGNIE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	brian seeman

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 several « LESAFFRE » registered trademarks, including the following:

French trademark LESAFFRE (device) registration No. 3202372 filed on January 2, 2003 and duly renewed;

International trademark LESAFFRE (device) registration No. 1775809 registered on October 12, 2023.

The Complainant is also the owner of several domain names such as < lesaffre.com> was registered on December 19, 1996 and <agrauxine.com> registered on September 7, 2011.

FACTUAL BACKGROUND

The Complainant, a family company founded in northern France in 1853 and now a multinational group, is a global player in yeasts and fermentation. The Complainant designs, manufactures and markets innovative solutions for baking, food flavors, healthcare and biotechnology. The Complainant employs 11,000 people in 50 countries, distributes in 180 countries and has a turnover of 3 billion euros. AGRAUXINE BY LESAFFRE is the business unit of the Complainant dealing in bio solutions for plant-based production.

Previous panels in other UDRP procedures have recognized the LESAFFRE trademark as a renowned trademark.

The disputed domain name <agrauxine-lesaffre.com> was registered on January 20, 2025, and resolves to a parking page with commercial links. Besides, MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT:

The disputed domain name is confusingly similar to the Complainant's trademark.

The Complainant contends that the disputed domain name is confusingly similar to its trademark “LESAFFRE”, and that the addition of the term “agrauxine” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark LESAFFRE. On the contrary, the addition of the term “agrauxine” exacerbates the likelihood of confusion between the disputed domain name and the Complainant’s trademark, as it directly refers to the Complainant’s business unit.

The Respondent does not have any rights or legitimate interest in the disputed domain name

The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related to the Complainant’s business in any way. The Complainant does not carry out any activity for, nor has any business dealings with, the Respondent.

The disputed domain name has been registered and is being used in bad faith

The Complainant contends that owing to the distinctiveness of the Complainant’s trademark and reputation, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's rights in the LESAFFRE trademark. In this regard, the Complainant stresses that the addition of the distinctive term “agrauxine” to the distinctive trademark LESAFFRE cannot be coincidental as it refers to the Complainant’s business unit, which indicates that the Respondent was well aware of the Complainant and its subsidiaries at the time of the registration.

The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and that it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate. In this sense, the Complainant quotes previous UDRP decisions affirming that the incorporation of a famous trademark into a domain name, coupled with the redirection to a parking page with commercial links, may be evidence of bad faith registration and use.

The Complainant further contends that given the above circumstances, the fact that the Respondent has hidden its identity and contact information through a privacy service, and the absence of any rights and of legitimate interests of the Respondent, coupled with the absence of a legitimate reason for the latter to hold the disputed domain name, are supportive of a finding of bad faith registration.

The Complainant further points out that the disputed domain name has been set up with MX records which suggests that it may be in active use for email purposes, and that previous panellists have found that this can be indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good-faith purpose.

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

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

A) Confusing similarity

The Panel agrees with the Complainant's assertions that the addition of the distinctive term, “agrauxine”, does not prevent the disputed domain name from being confusingly similar to the Complainant’s trademark; on the contrary it exacerbates the likelihood of confusion between the disputed domain name and the Complainant’s trademark and activity, as it directly refers to the Complainant’s business unit for biosolutions for plant-based production.

B) Lack of legitimate rights or interests

The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant firmly in mind. The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademarks and reputation, and the addition of a term, “agrauxine”, that directly refers to a business unit of the Complainant, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain name.

Secondly, the Panel accepts the Complainant’s unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant’s trademark.

Thirdly, it appears from the document provided by the Complainant that the disputed domain name has been set up with MX records, which suggests that it may be actively used for e-mail purposes. As already found in previous UDRP decisions, it appears unlikely that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.

Fourthly, the Respondent has not denied the Complainant’s trademark rights, nor has it contested any of the assertions made by the Complainant regarding its lack of legitimate interests or those concerning its bad faith in registering and using the disputed domain name.

Finally, the disputed domain name resolves to a parking page with commercial links. Therefore, considering the circumstances of the case, it appears that the Respondent has attempted to exploit the confusion with the Complainant’s trademark, in order to attract Internet users to its own website for its own commercial gain.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **agrauxine-lesaffre.com**: Transferred

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2025-02-25

Publish the Decision