Decision for dispute CAC-UDRP-107374

Case number	CAC-UDRP-107374
Time of filing	2025-03-04 10:34:28
Domain names	amundinvest.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Mario Mingo

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 trademark n°1024160 AMUNDI registered since September 24, 2009

FACTUAL BACKGROUND

The disputed domain name <amundinvest.com> was registered on February 25, 2025 and resolves to a parking page with commercial links. Besides, MX servers are configured.

PARTIES CONTENTIONS

The Complainant contends 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).

The disputed domain name <amundinvest.com> is confusingly similar to the trademark AMUNDI. Indeed, the disputed domain name contains the Complainant's trademark AMUNDI in its entirety.

The addition of the term "INVEST" (contracted with the trademark "AMUNDI") 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 trademark AMUNDI. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain name associated. 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 UDRP". Please see WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

It is also well established that the TLD is viewed as a standard registration requirement and as such is disregarded. Please see Forum Case No. FA 153545, Gardline Surveys Ltd v. Domain Finance Ltd. ("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").

Finally, the Complainant's rights over the term "AMUNDI" have been confirmed by previous Panels. For instance

- CAC Case No. 104650, AMUNDI ASSET MANAGEMENT v. Domain Management <amundiimmobilier.com>;
- WIPO Case No. D2022-0730, Amundi Asset Management v. Laurent Guerson <amundi-europe.com>;
- WIPO Case No. D2019-1950, Amundi Asset Management v. Jean René <amundi-invest.com>.

Thus, the domain name <amundinvest.com> is confusingly similar to a trademark in which the Complainant has rights.

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).

According to the WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP.

The Complainant asserts that the Respondent is not known as the disputed domain name. Past panels 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. Thus, the Respondent is not known as the disputed domain name. For instance Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel, therefore finds under Policy ¶ 4(c)(ii) that the Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii)."); and Forum Case No. FA 699652, The Braun Corporation v. Wayne Loney.

The Panel took into account the Complainant´s contentions that the Respondent has no rights or legitimate interests in respect of the domain name <amundinvest.com>, and he is not related in any way to the Complainant's business. 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.

Finally, the disputed domain name points to a parking page with commercial links. Past panels have found that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use. For instance Forum Case No. FA 970871, Vance Int'l, Inc. v. Abend (concluding that the operation of a pay-per-click website at a confusingly similar domain name does not represent a bona fide offering of goods or services or a legitimate noncommercial or fair use, regardless of whether or not the links resolve to competing or unrelated websites or if the respondent is itself commercially profiting from the click-through fees); and WIPO Case No. D2007-1695, Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe ("Respondent's use of a domain name confusingly

similar to Complainant’s trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use.").

Accordingly, the Respondent has no rights or legitimate interests in respect to the disputed domain name <amundinvest.com>.

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).

The disputed domain name <amundinvest.com> is confusingly similar to its trademark AMUNDI and domain names associated. The trademark AMUNDI is well-known. Previous panels already found the renown of the Complainant´s trademarks, see CAC case n° 101803, AMUNDI v. John Crawford (“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.”).

Thus, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks. Please see for instance WIPO Case No. D2004-0673, Ferrari S.p.A v. American Entertainment Group Inc.

Furthermore, the disputed domain name points to a parking page with commercial links. The Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant’s trademarks for his own commercial gain, which is an evidence of bad faith.

Please see for instance WIPO Case No. D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC (“In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.”).

Finally, the disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes. Please see similar case CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono (“There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.”).

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

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 disputed domain name <amundinvest.com> is confusingly similar to its trademark AMUNDI and its domain names associated. The trademark AMUNDI is well-known. The disputed domain name points to a parking page with commercial links. The Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant’s trademarks for his own

commercial gain, which is an evidence of bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amundinvest.com**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2025-03-28

Publish the Decision