Decision for dispute CAC-UDRP-107399

Case number	CAC-UDRP-107399
Time of filing	2025-03-12 10:28:28
Domain names	amundi-epargnant.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	samuel KEMBO

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

According to the evidence submitted by Complainant, Complainant is the owner of the International Trademark AMUNDI, with registration number 1024160 and registration date 24 September 2009.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <amundi-epargnant.com> was registered on 2 March 2025.

According to the information provided by Complainant the disputed domain name does not resolve to an active website but to a blank page.

PARTIES CONTENTIONS

Complainant.

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

According to the evidence submitted by Complainant, Complainant is Europe’s leading asset management company with offices around the world in over 30 countries. In addition to the international trademark AMUNDI, Complainant operates a website containing the AMUNDI trademark, in particular under www.amundi.com registered and used since August 2004.

According to Complainant the disputed domain name is confusing similar to Complainant's trademark as it contains the trademark AMUNDI in its entirety. Complainant submits that the addition of the term “epargnant” (French for “saver”) is not sufficient to avoid the likelihood of confusion. It does not change the overall impression of the designation as being connected to Complainant’s trademark AMUNDI. According to Complainant it does not prevent the likelihood of confusion between the disputed domain name and Complainant, its trademark and the domain name associated. On the contrary, the addition of the term “epargnant” reinforces the risk of confusion as it refers to Complainant’s activities

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name and that Respondent is not related in any way to Complainant’s business. Complainant submits that Respondent is not affiliated with him nor authorized by him in any way to use the trademark AMUNDI. Complainant does not carry out any activity for, nor has any business with Respondent. Finally, the disputed domain name resolves to a blank page. Complainant contends that Respondent did not use the disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name.

According to Complainant the disputed domain name is registered and is being used in bad faith. The addition of the term “epargnant” to the trademark AMUNDI cannot be coincidental as it refers to Complainant’s activities. Thus, given the distinctiveness of Complainant's trademark and reputation, it is reasonable to infer that Respondent has registered the domain name with full knowledge of Complainant's trademark.
The disputed domain name resolves to a blank page. Complainant contends that Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of Complainant’s rights under trademark law. As prior UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Respondent.
No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the relevant trademark is recognizable within the disputed domain name. Complainant has established that it is the owner of a trademark registration for

AMUNDI. The disputed domain name incorporates the entirety of the well-known AMUNDI trademark as its distinctive element. The addition of the term “epargnant” (French for “saver” or “investor”) to the trademark in the disputed domain name, is insufficient to avoid a finding of confusing similarity as the AMUNDI trademark remains the dominant component of the disputed domain name. The Top-Level Domain (“gTLD”) “.com” in the disputed domain name may be disregarded.

The Panel notes that Complainant’s registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any response.
Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the AMUNDI trademark. Respondent knew or should have known that the disputed domain name included Complainant’s well-known mark.

The Panel also notes the undisputed submission of Complainant, supported by evidence, that the disputed domain name does not resolve to an active website but to a blank page. It is well established that non-use of a domain name does not prevent a finding of bad faith use under the doctrine of passive holding (see section 3.3. of the WIPO Overview 3.0). The Panel finally notes that the disputed domain name incorporates Complainant’s well-known trademark in its entirety, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amundi-epargnant.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2025-04-10

Publish the Decision