Decision for dispute CAC-UDRP-107423

Case number	CAC-UDRP-107423
Time of filing	2025-03-20 09:47:06
Domain names	gaumont-finance.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	GAUMONT

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	agency seo

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, conducting business under the company or trade name GAUMONT, is the owner of the following trademarks:

- European Union trademark "GAUMONT" no. 6890511, filed on 6 May 2008 and registered since 5 January 2009 in classes 9, 38, 41;
- international trademark "GAUMONT" no. 1085061, registered since 1 June 2011 in classes 9, 16, 35, 38 and 41.

It also owns the domain name <gaumont.com> which has been registered since 12 November 1996 and resolves to the Complainant's official website.

The Complainant’s above-mentioned rights are hereinafter collectively referred to as the GAUMONT Trademark.

FACTUAL BACKGROUND

The Complainant is a French film and television production and distribution company headquartered in Neuilly-sur-Seine. Founded by Léon Gaumont in 1895, it is the oldest existing film company in the world. The Complainant primarily produces, co-produces, and distributes films; in 2011, 95% of its consolidated revenues were generated by its film division. It also produces TV series and animated content. The company currently owns a catalogue of over 1,500 titles, operates in five countries, and employs more than

250 people worldwide. It is a publicly listed company on Euronext Paris.

The disputed domain name was registered on 7 March 2025 and resolves to a website displaying the Complainant's logo—which coincides with its international trademark—and publishing financial information related to the Complainant.

In response to the CAC's registrar verification request, the Registrar identified the Respondent as ade irma, agency seo, located in Indonesia.

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).

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

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to succeed in the administrative proceeding:

(i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) the disputed domain name has been registered and is being used by the Respondent in bad faith.

I. THE COMPLAINANT'S RIGHTS AND THE CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S MARK

The Complainant has established that it has rights in the GAUMONT Trademark.

The disputed domain name consists of the wording "GAUMONT", plus the generic term "FINANCE", divided by a hyphen, and the top-level domain (TLD) ".COM".

In UDRP disputes, the test for identity or confusing similarity involves a straightforward, reasoned comparison between the complainant's trademark and the disputed domain name. This typically entails a side-by-side evaluation of the domain name and the textual elements of the relevant trademark to determine if the mark is recognizable within the domain name. When a domain name fully incorporates a trademark, or at least a dominant feature of it is evident in the domain name, the domain is generally deemed

confusingly similar to the mark for the purposes of UDRP standing. Adding other terms—whether descriptive, geographical, derogatory, or otherwise—does not prevent a finding of confusing similarity under this first element. The TLD is usually disregarded in determining identity or similarity, as it is simply a technical aspect of registration.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, because it contains the entirety of such mark combined with the generic term "FINANCE". This additional term neither affects the attractive power of the Complainant's mark, nor is sufficient to distinguish the disputed domain name from the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has proven the first element of the paragraph 4(a) of the Policy and the disputed domain name is confusingly similar to the Complainant's trademark.

II. THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

Under paragraph 4(a)(ii) of the Policy, the Complainant bears the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Once the Complainant makes a prima facie case, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests in the domain name.

The Respondent has been identified as ade irma, agency seo, located in Indonesia. There is no evidence that the Respondent, whether as an individual, business, or other organization, has been commonly known by the disputed domain name or has acquired any rights in a trademark or trade name corresponding to it.

The Complainant asserts that it has no relationship whatsoever with the Respondent. The Respondent has never received any approval—express or implied—from the Complainant to use its trademark or to register or use the disputed domain name.

The disputed domain name, registered on 7 March 2025, incorporates the Complainant’s trademark along with a generic term. It is therefore confusingly similar to the Complainant’s mark.

UDRP panels have consistently found that domain names identical or confusingly similar to a complainant’s trademark carry a high risk of implied affiliation. A domain name that combines a trademark with an additional term (whether descriptive, geographic, pejorative, meaningless, or otherwise), particularly at the second or top level, may suggest sponsorship or endorsement by the trademark owner. Consequently, such composition does not typically constitute fair use.

Moreover, the Complainant has submitted evidence showing that the disputed domain name resolves to a website displaying the Complainant’s logo and publishing financial information related to the Complainant. This indicates that the Respondent is deliberately attempting to pass off as the Complainant and mislead Internet users into believing that the website or associated services (such as email) are operated, sponsored, or endorsed by the Complainant.

In light of the above, the Panel finds no indication that, prior to notice of the dispute, the Respondent used—or prepared to use—the disputed domain name, or any corresponding name, in connection with a bona fide offering of goods or services. Nor is there any evidence that the Respondent is making legitimate non-commercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark.

While the Complainant has established its prima facie case, the Respondent has not submitted a Response to the Complaint and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel concludes that the Complainant has met the second requirement under paragraph 4(a) of the Policy, and finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

III. THE REGISTRATION AND THE USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Complainant has sufficiently demonstrated ownership of rights in the prior and well-known GAUMONT Trademark, which has been registered since 2009.

The disputed domain name is confusingly similar to the Complainant's trademark, as it fully incorporates the GAUMONT Trademark. The addition of the generic term "FINANCE" and the top-level domain “.com” (a technical requirement of domain name registration) does not eliminate the confusing similarity. UDRP panels have consistently held that the inclusion of descriptive or generic terms in addition to a complainant’s mark does not prevent a finding of confusing similarity.

Furthermore, UDRP panels have consistently found that the mere registration of a domain name identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity may, by itself, give rise to a presumption of bad faith.

Given the distinctiveness and longstanding reputation of the Complainant’s trademark—acquired over 129 years as the oldest extant film company in the world—it is inconceivable that the Respondent registered the disputed domain name by coincidence, without actual knowledge of the Complainant’s rights. On the contrary, the circumstances strongly indicate an intent to exploit the Complainant’s reputation and divert Internet traffic from the Complainant’s legitimate website.

Moreover, the Respondent’s use of the disputed domain name reinforces this conclusion. The website to which the domain name resolves displays the Complainant’s logo and publishes financial information related to the Complainant. This demonstrates that the Respondent is fully aware of the Complainant and is attempting to mislead users into believing it is affiliated with or endorsed by the Complainant.

Accordingly, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, intentionally attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or a product or service on its website (paragraph 4(b)(iv) of the Policy).

Additionally, the CAC has confirmed that the physical address provided by the Respondent does not exist. The provision of false contact details at the time of registration constitutes a breach of the registration agreement and further supports a finding of bad faith.

In light of the above, the Complainant has satisfied its burden of proof under paragraph 4(a)(iii) of the Policy.

The Panel orders that the disputed domain name be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gaumont-finance.com**: Transferred

PANELLISTS

Name	**Ivett Paulovics**

DATE OF PANEL DECISION 2025-04-14

Publish the Decision