Decision for dispute CAC-UDRP-107435

Case number	CAC-UDRP-107435
Time of filing	2025-03-25 14:23:14
Domain names	amundiltd.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	Maxim

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 has established that it is the owner of the international trademark for AMUNDI, registered number 1024160, registered on September 24, 2009 (“the AMUNDI trademark”).

FACTUAL BACKGROUND

The Complainant is a prominent French company engaged in asset management and the provision of related goods and services. As well as its aforesaid trademark, it owns the <amundi.com> domain name which it uses in its business to promote its financial services. It has come to the Complainant's notice that the Respondent has registered the domain name <amundiltd> and used it for a website that offers competing financial services to those of the Complainant. The Complainant maintains that this is inimical to the Complainant and its business and accordingly it has instituted this proceeding to have the domain name transferred to itself.

PARTIES CONTENTIONS

CONTENTIONS OF THE PARTIES

A) COMPLAINANT

1. The Complainant is a well-known French company engaged in the management of assets and is one the largest companies operating in that field internationally.
2. The Complainant is the owner of the aforesaid international trademark for AMUNDI ("the AMUNDI trademark"), registered number 1024160, registered on September 24,2009 and provides its goods and services under that trademark.
3. The Complainant has registered numerous domain names including the domain name <amundi.com> which it registered on August 26, 2004 and which it uses to promote and offer its goods and services on the internet.
4. The Respondent registered the **<amundiltd.com>** domain name on March 21, 2025 ("the Disputed Domain Name").
5. The Respondent has caused the Disputed Domain Name to resolve to a website that is used to offer financial services competing with those of the Complainant.
6. The Disputed Domain Name is confusingly similar to the AMUNDI trademark as it embodies the entire AMUNDI trademark, the additional term "ltd" which signifies a limited company and the generic Top Level Domain ".com", which would inculcate in the minds of internet users the notion that the Disputed Domain Name is related to the AMUNDI trademark and the Complainant's status as a company.
7. The Respondent has no rights or legitimate interests in the Disputed Domain Name as:

(a) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy;

(b) the Respondent is not affiliated with or related in any way to the Complainant, has not been authorized by it to register or use the Disputed Domain Name and does not carry on any activity or have any business with the Complainant;

(c) the Disputed Domain Name resolves to a website that offers financial services competing with those of the Complainant;

(d) the Disputed Domain Name is not used by the Respondent to make a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy; and

(e) the Disputed Domain Name is not used by the Respondent to make a noncommercial, legitimate or fair use of it within the meaning of paragraph 4(c)(iii) of the Policy.

8. The Respondent has registered and used the Disputed Domain Name in bad faith as:

(a) the Respondent has registered the Disputed Domain Name which is confusingly similar to the AMUNDI trademark;

(b) the Respondent has caused the Disputed Domain Name to resolve to a website that offers financial services competing with those of the Complainant;

(c) the Respondent had actual knowledge of the Complainant and its AMUNDI trademark at the time it registered the Disputed Domain Name;

(d) the registration and use of the Disputed Domain Name was calculated to and has the potential effect of generating confusion with the Complainant's AMUNDI trademark within the meaning of paragraph 4(b)(iv) of the Policy.

9. Accordingly, the Complainant contends that it will be able to establish all of the elements it must prove under the Policy and that it is entitled to the relief it seeks, namely the transfer of the Disputed Domain Name to itself.

B) RESPONDENT

The Respondent did not file a Response in this proceeding.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 that 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 that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

DISCUSSION

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

A. Administrative deficiency

By notification dated March 25, 2025 and in accordance with paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that the Complaint had not sufficiently identified the Respondent. The CAC invited the Complainant in that regard to review the Registrar's verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

On March 25, 2025, the Complainant filed an Amended Complaint and the CAC determined that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

B. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.
In that regard, the Panel also notes that the onus is on the complainant to make out its case and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.
The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.
For the complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:
(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
(ii) The respondent has no rights or legitimate interests in respect of the domain name; and
(iii) The domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

A. Identical or Confusingly Similar

The Complainant has adduced evidence that the Panel accepts that it is the registered owner of the following registered trademark, namely the international trademark for AMUNDI ("the AMUNDI trademark"), registered number 1024160, registered on September 24, 2009.

The Complainant has thus established its trademark rights and that it has standing to institute this proceeding.

The Panel next finds that the Respondent registered the Disputed Domain Name <amundiltd.com> on March 21, 2025.

The Panel finds that the Disputed Domain Name is confusingly similar to the AMUNDI trademark for the following reasons:

The trademark includes the entirety of the AMUNDI trademark. It is well established that when, as in the present case, a domain name includes the entirety of a trademark, it is more likely than not that the domain name in question is confusingly similar to the relevant trademark. That is clearly so in the present case. As the word "amundi" is the first word in the Disputed Domain Name and as it is clearly a reference to the Complainant, the attention of the internet user would naturally be drawn to that part of the domain name and would inculcate in the mind of the user the notion that the Disputed Domain Name is an official domain name of the Complainant.

The Disputed Domain Name then includes two terms that have been added after the word "amundi". The first of them is the term "ltd" which is very widely known

to mean “limited”, that is to say as the designation of a limited company, which the Complainant is, being a Société Anonyme.

Thus, internet users would naturally conclude that the Disputed Domain Name is invoking the notion of the Complainant being incorporated. This in turn must strengthen in the mind of the internet user the notion that the Disputed Domain Name is an official domain name of the Complainant or one that has been authorized by it, and one that it invoking the Complainant’s well-known trademark.

The second addition is the generic Top Level Domain “.com”. This is regularly ignored in making the comparison between a domain name and the relevant trademark, as all domain name must have such an extension and its presence therefore cannot tell us one way or the other whether the Disputed Domain Name is confusingly similar to the trademark or not.

Accordingly, the Panel finds that it the Disputed Domain Name is confusingly similar to the Complainant’s AMUNDI trademark.

The Complainant has thus shown the first of the three elements that it must establish.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
But by virtue of paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:
(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail.

It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that if and when such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name on all of the grounds on which it has relied, namely:

(a) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy; there is no evidence that the Respondent is known by the Disputed Domain Name and there is no evidence that it is known by any name other than its own; moreover, as the Complainant points out, where the WHOIS information reveals, as in the present case, that the Respondent’s name is not the same as the relevant domain name, the presumption is that the Respondent is not commonly known by the Disputed Domain Name; that is clearly so in the present case;

(b) the Respondent is not affiliated with or related in any way to the Complainant, has not been authorized by it to register or use the Disputed Domain Name and does not carry on any activity or have any business with the Complainant; that has been established by the evidence and it must therefore be concluded that it could not be argued that the Disputed Domain Name was registered with any sort of consent or approval by the Complainant;

(c) the Disputed Domain Name resolves to a website that offers financial services competing with those of the Complainant; this is all very apparent from the Complainant’s Attachment to the Complaint which is a screenshot of the offending website as it presently is; the Panel has examined this screenshot and observed that it begins with the brazen use of the Complainant’s AMUNDI trademark, going as far as to include the “TM" symbol, clearly designed to give the false impression that the Respondent owns the trademark; it then goes on to describe its alleged asset management, financial and related services which are the same as those of the Complainant, as is shown by the Complainant’s official and genuine website at www.amundi.com; as if that were not enough, the Panel has observed that the website then goes on to make , as the Panel has counted them, seven additional uses of the Complainant’s name and trademark, as in the following statements it has placed on the website:

“… Amundi LTD Finance …Amundi LTD Finance…the Amundi LTD Finance group… Amundi LTD Finance commercial brokers LLC — …Amundi LTD Finance commercial brokers LLC… Amundi LTD Finance …(and) …(t)o become an Amundi LTD client…”.

These statements are clearly designed to give the false impression that the Respondent is the Complainant, or is authorized by the Complainant, and that it provides the same services as those of the Complainant.

Thus, it cannot be said that such machinations could possibly give rise to a right or legitimate interest in the same domain name that is used to perpetrate this subterfuge.

(d) the Disputed Domain Name is not used by the Respondent to make a bona fide offering of goods or services within the meaning of paragraph 4(c)(i)) of the Policy; it is clear that the aforesaid conduct of the Respondent is not bona fide;

(e) the Disputed Domain Name is not used by the Respondent to make a noncommercial, legitimate or fair use of it within the meaning of paragraph 4(c)(iii)) of the Policy; it could not be said that the aforesaid conduct of the Respondent was a “noncommercial, legitimate or fair” use; there is nothing about it which is legitimate;

it is not noncommercial, because it is clearly deigned to make money; and it is not fair, either to the Complainant or to internet users in general.

The Panel adds that there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

These facts give rise to the prima facie case made out by the Complainant.

The Respondent has not filed a Response or made any other answer to the claims of the Complainant and is in default. Accordingly, the prima facie case has not been rebutted and the Complainant has made out the second of the three elements that it must establish.

C. Registered and Used in Bad Faith

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:
(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith both in general and in particular because the Respondent's conduct puts the case squarely within several provisions of the Policy and generally. Thus, the Complainant has made out all of the grounds on which it has relied, namely:

(a) the Respondent has registered the Disputed Domain Name which is confusingly similar to the AMUNDI trademark; this has been established on the evidence; it must therefore be concluded that as the Respondent has generated that result, it did so as an act of bad faith designed to give the false impression to internet users that the Disputed Domain Name was a domain name of the Complainant or one that was registered with the approval of the Complainant;

(b) the Respondent has caused the Disputed Domain Name to resolve to a website that offers financial services competing with those of the Complainant; this has been established on the evidence; it is inevitably an act of bad faith to use the Complainant's trademark as a cover for offering competing services, which is exactly what the Respondent has done;

(c) the Respondent had actual knowledge of the Complainant and its AMUNDI trademark at the time it registered the Disputed Domain Name; the widespread use of the AMUNDI trademark on the Respondent's website shows that it knew of the Complainant and its trademark, copied them and targeted the Complainant for its own ends; indeed, the Respondent could not have engaged in its aforesaid conduct had it not known of the Complainant, its trademark and the services it offered;

(d) the registration and use of the Disputed Domain Name was calculated to and has had the potential effect of generating confusion with the Complainant's AMUNDI trademark within the meaning of paragraph 4(b)(iv) of the Policy; seeing the Disputed Domain Name must have engendered in the minds of internet users some degree of confusion whether the Disputed Domain Name and the services offered under it were being offered by the Complainant, in competition with the Complainant or were entirely illegitimate; either way, the confusion so generated brings the case squarely within the provisions of paragraph 4(b)(iv) of the Policy and the Panel so finds.

Finally, in addition and having regard to the totality of the evidence, the Panel finds that, in view of the Respondent's registration of the Disputed Domain Name and its use as shown by the evidence, it registered and used the Disputed Domain Name in bad faith within the generally accepted meaning of that expression.

Accordingly, the Complainant has shown the third of the three elements that it must establish.

The Complainant has therefore proved all of the required constituent elements under the Policy and is entitled to the relief it seeks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **amundiltd.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2025-04-20

Publish the Decision