Decision for dispute CAC-UDRP-107940

Case number	CAC-UDRP-107940
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Domain names	axlmum.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COLAS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Green

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 evidence has established that the Complainant is the owner of a portfolio of registered trademarks including:

(a) the French trademark registration for AXIMUM No. 3604776, registered on October 14, 2008; and

(b) the International trademark registration for AXIMUM No. 1011558, registered on April 14, 2009;

(collectively "the AXIMUM trademark").

FACTUAL BACKGROUND

The Complainant is a prominent French company engaged in a diversified range of activities in construction and the upkeep and maintenance of transport infrastructure. One of its subsidiary companies is AXIMUM which specializes in safety and traffic management and which operates throughout Europe.

As well as its registered trademarks referred to above, the Complainant also owns a portfolio of domain names that it uses in its business, including <aximum.com> and <aximum.fr>, which contain the AXIMUM trademark and resolve to websites that also include its well-known AXIMUM trademark.

It has recently come to the notice of the Complainant that on April 12, 2025, many years after the Complainant acquired its aforesaid trademark rights, the Respondent registered the domain name **<axlmum.com>** ("the Disputed Domain Name") which includes the AXIMUM trademark in its entirety, except that a minor change has been made to the spelling of the trademark by deleting the letter "I" and replacing it with the letter "L" and thereby substituting the word "axlmum". The Respondent has then caused the Disputed Domain Name to resolve to an inactive website and it has otherwise been used only in a phishing scheme.

The Disputed Domain Name and the website to which it resolves pose a very concerning threat to the Complainant's business and its AXIMUM trademark and brand. That is so because they give rise to a likelihood of confusion in the minds of internet users between the AXIMUM trademark and the Disputed Domain Name and also because of any future use that might be made of them.

The Complainant maintains that registering the Disputed Domain Name and having it resolve to an inactive website cannot give rise to a right or legitimate interest to the Respondent in the Disputed Domain Name. It also maintains that the Disputed Domain Name has been registered and used in bad faith.

The Complainant has therefore brought this proceeding to obtain a transfer of the Disputed Domain Name to itself and thus the cessation of the improper use to which the Respondent has put it.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant made the following contentions.

(i) The Disputed Domain Name is confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns the trademarks for AXIMUM set out above and which were registered several years before the Respondent registered the Disputed Domain Name, which was on April 12, 2025.

The Disputed Domain Name <axlmum.com> incorporates the Complainant's AXIMUM trademark in its entirety, except that a minor change has been made to the spelling of the trademark by deleting the letter "I" and replacing it with the letter "L" and thereby substituting the word "axlmum". This is a clear case of typosquatting, as the Disputed Domain Name contains an obvious misspelling of the Complainant's trademark.

The generic Top-Level Domain ".com" is a standard registration requirement which is disregarded when assessing whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

Accordingly, the Disputed Domain Name has the effect of invoking the Complainant's AXIMUM trademark and the goods and services provided under it.

The Disputed Domain Name is therefore confusingly similar to the Complainant's AXIMUM trademark.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

As is universally accepted, the Complainant is first required to make out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and, if such a prima facie case is made out, the onus of proof is then transferred to the Respondent to rebut any such prima facie case that has been established. The Complainant submits that for the following reasons, it can make out its prima facie case.

First, the Respondent is not commonly known by the Disputed Domain Name. There is no evidence, either in the WHOIS database or anywhere else that the Respondent is commonly known by the Disputed Domain Name or that it owns any corresponding registered trademark that includes the term <axlmum.com>.

Secondly, the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent.

Thirdly, the Disputed Domain Name is a typosquatted version of the Complainant's AXIMUM trademark intended by the Respondent to take advantage of any mistake that an internet user may make when typing the correct spelling of the trademark in one of the official domain names of the Complainant.

Fourthly, the Disputed Domain Name is inactive, has not been put to any legitimate use and has been used only in a phishing scheme.

Fifthly, such a use is not a bona fide offering of goods or services within the meaning of Paragraph 4(c)(i) of the Policy nor a legitimate noncommerical or fair use of the Disputed Domain Name within the meaning of Paragraph 4(c)(iii) of the Policy.

Accordingly, the Complainant submits that it has made out a prima facie case that the Respondent has no such rights or legitimate interests in the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

The Complainant submits on the following grounds that the Respondent registered and is using the Disputed Domain Name in bad faith.

First, the Disputed Domain Name is confusingly similar to the Complainant's well-known trademark on which the Respondent has typosquatted.

Secondly, the evidence will show that the Complainant and its AXIMUM trademark are very well-known in its industry.

Thirdly, it must therefore be concluded that the Respondent had full knowledge of the Complainant's trademark when it registered the Disputed Domain Name and the presence of such a famous trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark and hence registered the Disputed Domain Name in bad faith.

Fourthly, the evidence will show that the Disputed Domain Name has been used for a phishing scheme and to pass the Respondent off as the Complainant.

Accordingly, the Complainant submits that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant thus submits that it is entitled to the relief that it seeks.

RESPONDENT:

The Respondent did not file a Response in this proceeding.

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

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 September 11, 2025 and in accordance with Paragraph 4(b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that it had not sufficiently identified the Respondent. The Complainant was invited to see 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.

Also on September 11, 2025, the Complainant filed an Amended Complaint correcting the deficiency and the CAC thus 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.

Identical or Confusingly Similar

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. The Panel finds that the Complainant has adduced evidence that the Panel accepts that it is the registered owner of the AXIMUM trademark, particulars of which have been set out above. That evidence is in documentary form that the Panel has examined and finds to be in order. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to bring this proceeding.

The Panel next finds that the Disputed Domain Name is confusingly similar to the AXIMUM trademark for the following reasons.

First, the Disputed Domain Name includes the entirety of the AXIMUM trademark, except that a minor change has been made by the Respondent to the spelling of the trademark by deleting the letter “I” and replacing it with the letter “L” and thereby substituting the word “axlmum”. This is a clear case of typosquatting, as the Disputed Domain Name contains an obvious misspelling of the Complainant’s trademark.

With that minor exception, the entirety of the trademark is included in the Disputed Domain Name and the trademark is by far its most dominant feature. Accordingly, the attention of the internet user would naturally be drawn to the use of the substance of the trademark in the Disputed Domain Name which would inculcate in the mind of the reader the idea that it was an official domain name of the Complainant, which it is not.

Secondly, although the Respondent has included the letter "l" to replace the letter “i” as it would have been in the Disputed Domain Name, it is well-established that such minor additions to a trademark cannot negate a confusing similarity that is otherwise present, as the trademark will still have its dominant effect.

Thirdly, it is also well-established that in assessing confusing similarity between a trademark and a domain name, the relevant Top Level Domain, such as ".com" in the present case, is ignored because all domain names require such an extension and the Top Level Domain does not show one way or the other whether a domain name is confusingly similar to a trademark. Thus, the Top Level Domain may be ignored in the present case as it is in most cases.

Accordingly, the Disputed Domain Name is confusingly similar to the Complainant’s trademark; it is similar to the trademark because its dominant element is the Complainant's trademark and it is confusingly similar because internet users would naturally wonder whether it was an official and genuine domain name of the Complainant or not .

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

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 Disputed 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 when such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the Disputed 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 strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The case is made stronger by the Complainant having adduced relevant documentary evidence which the Panel accepts and which will shortly be referred to, and by the Complainant's citation and discussion of previously decided UDRP cases which verify its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted by the Complainant. Those grounds are that:

(a) the Respondent is not commonly known by the Disputed Domain Name. The Panel finds that there is no evidence in the WHOIS database or anywhere else that the Respondent is commonly known by the Disputed Domain Name or that it owns any corresponding registered trademark that includes the term <axlmum.com>; indeed, there is no evidence that the Respondent is known by the Disputed Domain Name or that it is known by any name other than its own, which is Green (Freddy DURANT) ;

(b) the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent;

(c) the Disputed Domain Name is a typosquatted version of the Complainant's AXIMUM trademark intended by the Respondent to take advantage of any mistake that an internet user may make when seeking to type the correct spelling of the trademark in a domain name; it is clear that to typosquat on a trademark cannot give rise to a right or legitimate interest in a domain name used to perpetrate this result as it is clearly a thinly-disguised attempt to misappropriate a trademark and mislead internet users; that is even more so where, as in the present case, the trademark is so well-known that the Respondent must have known the result it would bring about, making the alteration intentional and dishonest; thus, typosqatting could not give rise to a right or legitimate interest in the very domain name used to perpetrate this subterfuge;

(d) the Disputed Domain Name is inactive and has not been put to any use other than being used in a phishing scheme; this has been shown by the evidence submitted to the Complaint shows how the Disputed Domain Name presently resolves, which is that it produces the message that "Ce site est inaccessible"; another annex shows that the Disputed Domain Name has been used to send a fraudulent email purporting to be an official communication from the Complainant, and using the altered spelling of the AXIMUM trademark and which in reality is a thinly-disguised attempt to obtain information from the recipient;

(e) the aforesaid use is not a bona fide offering of goods or services within the meaning of Paragraph 4(c)(i) of the Policy; the Respondent could not bring itself within that provision as there was nothing bona fide in its unauthorized use of the Complainant's trademark by using it for a potential fraud and for phishing; and

(f) nor is the aforesaid use a legitimate noncommerical or fair use of the Disputed Domain Name within the meaning of Paragraph 4(c)(iii) of the Policy; the use was not legitimate, it was clearly designed for a commercial purpose, namely to make money by one means or another, and it was not fair, either to the Complainant whose trademark was being infringed and tarnished and whose business was being compromised and disrupted, or to internet users in general who were being actively mislead.

All of these factors show that the Respondent could not have had or acquired a right or legitimate interest in the Disputed Domain Name. The Complainant has therefore made out its prima facie case. The Respondent has not rebutted the prima facie case as it is in default and it has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

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 on all the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant. They are that :

- the Disputed Domain Name is confusingly similar to the Complainant's well-known trademark on which the Respondent has typosquatted; this has already been established on the evidence and it must be assumed that the Respondent knew what it was doing, was targeting the Complainant and its trademark and was deliberately creating a domain name that was similar to the trademark, confusingly similar to it and designed to trick internet users into using the wrong email address so that it, the Respondent, could carry on with its phishing expedition, or worse; these are all acts of bad faith;
- the evidence has shown that the Complainant is very prominent and that its AXIMUM trademark is very well-known in its industry;
- it must therefore be concluded on the evidence that the Respondent had full knowledge of the Complainant's well-known trademark when it registered the Disputed Domain Name and the presence of such a famous trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark, knew its target and hence registered the Disputed Domain Name in bad faith; indeed, the Respondent could not have carried out its subterfuge unless it had actual knowledge of the Complainant, its business and its trademark;
- the evidence has shown that the Disputed Domain Name has been used for a phishing scheme and to pass the Respondent off as the Complainant; its whole modus operandi had as its essential features that it pretended that it was the Complainant or was authorized by it and that it set about passing itself off as the Complainant and trying to trick internet users into providing information that it no doubt always intended to use for a dishonest purpose.

Accordingly, the Complainant has made out a strong case that the Respondent has registered and used the Disputed Domain Name in bad faith within the meaning of Paragraph 4(a)(iii) of the Policy.

The Complainant has therefore made out on the evidence all of the grounds it is required to prove. It has also cited several prior UDRP decisions that are consistent with and support all of its contentions.

The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **axlmum.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2025-10-06

Publish the Decision