Decision for dispute CAC-UDRP-108060

Case number	CAC-UDRP-108060
Time of filing	2025-10-17 08:51:49
Domain names	mail-amundi.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	Klaus Mueller

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 (word), registered on September 24, 2009 for various types of financial services in class 36 in various jurisdictions, including in the United States of America ("United States").

The Complainant also owns the domain name <amundi.com>, registered on August 26, 2004 and used to resolve to its official website.

FACTUAL BACKGROUND

The Complainant is one of the top European asset managers based on assets under management and has offices in Europe, the Asia-Pacific region, the Middle East and the Americas. With over 100 million retail, institutional and corporate clients, the Complainant ranks in the global top 10.

The disputed domain name <mail-amundi.com> was registered on October 14, 2025 and resolves to a parking page. Mail exchange ("MX records") is set up for the disputed domain name. Mail exchanges

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.

In particular, the Complainant contends that the disputed domain name <mail-amundi.com> is confusingly similar to its AMUNDI mark as it incorporates it in its entirety and the addition of the term “mail” is not sufficient to avoid a likelihood of confusion.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once 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 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 by the disputed domain name. Furthermore, the Respondent is not affiliated with the Complainant’s business in any way and has not been authorized to use the Complainant’s AMUNDI mark in any manner. The disputed domain name redirects to a parking page. According to the Complainant, the Respondent has not used the disputed domain name, and has no demonstrable plans to do so. The lack of content on the disputed domain name demonstrates a lack of a bona fide offering of goods or services or legitimate noncommercial or fair use.

Lastly, the Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. the Complainant also asserts that its AMUNDI mark is distinctive and has a reputation. Therefore, it is reasonable to infer that the Respondent registered the domain name with knowledge of the Complainant's mark. Moreover, the disputed domain name resolves to a parking page. The Complainant contends that the Respondent has not demonstrated any activity with respect to the disputed domain name, and that it is not possible to conceive any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate. Incorporating a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use. Furthermore, the Respondent has configured MX records for the disputed domain name, suggesting that it may be used for email purposes.

The Respondent did not file any administratively compliant Response.

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

I. Confusing similarity

The Panel finds that the disputed domain name is confusingly similar to the Complainant's AMUNDI mark. The disputed domain name fully incorporates this mark preceded by the word "mail" followed by a hyphen. The AMUNDI mark is clearly recognizable within the disputed domain name and the addition of the word "mail" and a hyphen cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark.

Accordingly, the Panel is satisfied that the first condition under the Policy is met.

II. Respondent's lack of rights or legitimate interests

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.0, section 2.1.

In this case, the Complainant maintains that the Respondent was not authorized to reflect its AMUNDI mark in the disputed domain name. The Complainant has no relationship with the Respondent, and the Respondent does not appear to have been commonly known by the disputed domain name. The disputed domain name leads to a parking page, and MX records were configured for the disputed domain name. Accordingly, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods and services. Moreover, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name incorporates the Complainant's mark. Such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (WIPO Overview 3.0, section 2.5.1). The disputed domain name is likely to mislead the Complainant's potential customers because it incorporates the Complainant's mark and adds the term "mail," which is commonly used as an abbreviation for "email" or "email address." Accordingly, Internet users may believe that the disputed domain name belongs to the Complainant and leads to a website displaying the Complainant's contact details, including email addresses.

For all the above-mentioned reasons, the Panel is satisfied that the second condition under the Policy is met.

III. Registration and use of the disputed domain name in bad faith

The Complainant asserts that the AMUNDI mark is well-known and distinctive. However, the Panel does not have sufficient evidence to conclude that the Complainant’s mark has a reputation. Nevertheless, it is clear that the mark is distinctive because it consists of a coined term with no reference to the Complainant’s field of activity.

Moreover, the Complainant's mark had already been registered for 16 years when the Respondent registered the disputed domain name. The AMUNDI mark is registered in various jurisdictions, including in the United States, where the Respondent is allegedly located. Given that the AMUNDI mark is identically reproduced in the disputed domain name, the registration of the disputed domain name cannot be considered a mere coincidence: it is likely that the Respondent was aware of the Complainant's mark at the time of the registration of the disputed domain name. The registration of a domain name including a third party's distinctive mark with no rights or legitimate interests amounts to registration in bad faith.

The disputed domain name does not lead to an active website but to a Registrar's parking page simply announcing: "Your website is ready to go!" The non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. See WIPO Overview 3.0, section 3.3.

In this case, the Panel notes that the disputed domain name is distinctive, that the Respondent failed to submit a Response or to provide evidence of actual or contemplated good-faith use. Given the overall circumstances of this case, any good-faith use of the disputed domain name would be implausible. Moreover, the Respondent configured MX records for the disputed domain name, indicating an intention to use it at least for contacting third parties via email. However, any such email use would be illegitimate because no plausible good-faith use of the disputed domain name can be envisioned. Accordingly, the Panel finds that the disputed domain name has been used in bad faith.

In light of the foregoing, the Panel is satisfied that the third and last condition under the Policy is also met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Angelica Lodigiani

DATE OF PANEL DECISION 2025-11-29

Publish the Decision