Decision for dispute CAC-UDRP-108663

Case number	CAC-UDRP-108663
Time of filing	2026-05-20 09:28:46
Domain names	vivendi.bio

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	VIVENDI

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Sumanariu Constantin

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

Complainant is the owner of the international trademark VIVENDI nr. 687855, registration date 23 February 1998.

FACTUAL BACKGROUND

According to the information provided the disputed domain name <vivendi.bio> was registered on January 25, 2026.

The disputed domain name does not resolve to an active webpage. In addition, MX records have been set up.

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 a French content, media and entertainment group.

According to Complainant the disputed domain name is confusingly similar to its trademark VIVENDI as the disputed domain name contains the trademark in its entirety, without any addition or deletion.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant contends that Respondent is not affiliated with nor authorized by VIVENDI in any way. Complainant submits that Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to its business. Complainant does not carry out any activity for, nor has any business with Respondent. Neither license nor authorization has been granted to Respondent to make any use of Complainant's trademark VIVENDI or apply for registration of the disputed domain name by Complainant. Finally, the disputed domain name resolves to a blank page. Complainant contends that Respondent did not use the disputed domain name or 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. Complainant contends that the disputed domain name is identical to its distinctive trademark VIVENDI. Complainant asserts that its trademark VIVENDI was already known for decades and protected in several countries at the time of the registration. Thus, given the distinctiveness of Complainant's trademark and reputation, Complainant can state that Respondent has registered the disputed domain name with full knowledge of Complainant's trademark VIVENDI and therefore could not ignore Complainant.

Furthermore, the disputed domain name points 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 WIPO 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. Finally, the domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes.

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 disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety or where a disputed domain name consists of a common, obvious or intentional misspelling of a trademark. Complainant has established that it is the owner of trademark registrations for VIVENDI. The disputed domain name incorporates the entirety of the well-known VIVENDI trademark as its distinctive element. The Generic Top Level Domain ".bio" 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 interest 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 VIVENDI trademark. Respondent, located in the European Union as is Complainant, knew or should have known that the disputed domain name included Complainant's well-known mark. The Panel notes the undisputed submission of Complainant that the disputed domain name does not resolve to an active webpage. 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 3.1).

The Panel finally notes the following: Complainant has alleged that Respondent has configured MX records for the disputed domain name, suggesting an intention to use the disputed domain name for illegal purposes. While the record in this case contains no evidence of illegal behavior, the configuration of MX records presents the potential for an e-mail phishing scheme impersonating Complainant. The use of a domain name that is confusingly similar to a trademark in e-mail communications that do not originate from the trademark owner presents a risk to the reputation of a trademark and its owner. Respondent has not rebutted Complainant's contentions, which is noteworthy given the configuration of MX records for the disputed domain name, which suggests the possibility of Respondent's intention to use the disputed domain name for illegal purposes.

The Panel finds that in the circumstances of this case Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the 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. **vivendi.bio**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2026-06-19

Publish the Decision