Decision for dispute CAC-UDRP-108975

Case number	CAC-UDRP-108975
Time of filing	2026-09-04 09:48:38
Domain names	amundi-fund.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	AMUNDI ASSET MANAGEMENT

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Man Ke

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 registered rights in the word mark AMUNDI. It relies on its International Registration No. 1024160 for the word mark AMUNDI, registered on 24 September 2009 for services in Class 36 and designated in 18 countries, including the EU.

The Complainant also relies on its long use in trade for financial services.

Its principal website is at <amundi.com>, and that registration predates the disputed domain name by more than two decades.

FACTUAL BACKGROUND

The Complainant, AMUNDI ASSET MANAGEMENT, is a leading asset manager providing investment and related financial services internationally.

The Complainant has used <amundi.com> since at least its registration on 26 August 2004.

The disputed domain name <amundi-fund.com> was registered on 5 August 2026. The evidence of its website use is limited. Evidence was submitted that shows an attempt to access the domain on 2 September 2026, which returned an error message

“403”.

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

Paragraph 4(a) of the Policy requires the Complainant to prove each of three elements: (i) the disputed domain name is identical or confusingly similar to a trade mark in which it has rights; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. Each element is considered separately. The burden of proof remains with the Complainant.

1. Identical or Confusingly Similar

The Complainant has demonstrated rights in AMUNDI through its international trade mark registration and long use. It is a mark with a reputation.

The disputed domain name reproduces AMUNDI in its entirety, followed by a hyphen and the word “fund”. The mark is immediately recognisable. The additional generic word, fund, does not prevent confusing similarity. Indeed, in the context of the Complainant’s financial and investment services, “fund” is directly evocative of the field in which the Complainant operates, and may strengthen the perceived association with the Complainant.

The generic Top-Level Domain “.com” is a standard registration requirement and is ordinarily disregarded for this comparison. The first element of paragraph 4(a) is established.

2. Rights or Legitimate Interests

Paragraph 4(c) of the Policy identifies non-exhaustive circumstances capable of demonstrating rights or legitimate interests, including a bona fide offering of goods or services before notice of the dispute, being commonly known by the domain name, or legitimate noncommercial or fair use.

It is well established that a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests. Once that is done, the burden of proof shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests, while the ultimate burden of proof remains on the complainant. See Croatia Airlines d.d. v. Modern

Empire Internet Ltd., WIPO Case No. D2003-0455.

Past panels have held that a respondent was not commonly known by a disputed domain name if the WHOIS information was not similar to the disputed domain name. See the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group . The Respondent, identified as Man Ke, is not shown by the registration information to be commonly known by the disputed domain name.

The Complainant states that it has not licensed or otherwise authorised the Respondent to use AMUNDI, and that there is no affiliation or business relationship between them. Nor does the record show demonstrable preparations for a bona fide offering or a legitimate noncommercial use.

The Panel does not infer from the “403 Forbidden” response alone that no use or activity ever occurred. Nevertheless, the evidence contains no affirmative indication of any active use.

Passive parking pages and any pay per click use are not per se illegitimate but their fair use requires a focused and fact sensitive inquiry. Context is key and use of a domain name that appropriates another party’s distinctive finance mark and couples it with the term “fund” is not a plausible basis for a bona fide offering of goods or services. Such a presentation is inherently misleading and is inconsistent with legitimate non-commercial or fair use. We do not know if the MX records have been configured but that can be highly relevant and suggest an email use that is not legitimate.

In the absence of any rebuttal or any credible indication of a genuine good-faith purpose, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

3. Registered and Used in Bad Faith

The third element requires proof of both bad-faith registration and bad-faith use. The examples in paragraph 4(b) of the Policy are illustrative, not exhaustive. The absence of an active website does not, by itself, preclude bad faith. As explained in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, passive holding is assessed in light of all the circumstances, rather than by application of a mechanical rule.

The AMUNDI mark was registered in 2009, well before the disputed domain name was created in August 2026. The Complainant has established a significant international goodwill and reputation in financial services. The Respondent chose not a random string but the precise AMUNDI mark combined with “fund”, a term closely connected with investment management. That combination is particularly telling. On the balance of probabilities, it is unlikely to have been selected independently of the Complainant and its business. The Panel therefore infers that the Respondent likely knew of, and targeted, the Complainant’s mark when registering the disputed domain name.

As to use, the evidence establishes that the disputed domain name returned a “403 Forbidden” error response when accessed.

As explained in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, the passive holding of a domain name may constitute bad-faith use, depending upon all the circumstances of the case. The relevant inquiry is not confined to whether a website is actively operating, but whether the circumstances surrounding the registration and holding of the disputed domain name support a finding that it was registered and is being used in bad faith.

The Panel has considered whether any plausible good-faith use of the disputed domain name is apparent on the record. While the possibility of legitimate use cannot be excluded merely because a domain name incorporates a trade mark, the Panel considers that, in the particular circumstances of this case, the Respondent's selection of the distinctive AMUNDI mark together with the directly related financial term “fund”, without any apparent legitimate explanation, strongly supports an inference of deliberate targeting. The Panel does not find it necessary to speculate that any phishing has occurred, or to identify any particular transaction falling within paragraph 4(b)(iv) of the Policy. Nor does it treat the redaction of registrant information in the publicly available WHOIS record, without more, as evidence of bad faith.

Taking the evidence as a whole however, and applying the principles in Telstra, the Panel finds on the balance of probabilities that the Respondent registered and is using the disputed domain name in bad faith. The third element of paragraph 4(a) of the Policy is therefore satisfied.

For the foregoing reasons, in accordance with paragraph 4(i) of the Policy and paragraph 15 of the Rules, the Panel orders that the disputed domain name <amundi-fund.com> 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. **amundi-fund.com**: Transferred

PANELLISTS

Name	Victoria McEvedy

DATE OF PANEL DECISION 2026-10-08

Publish the Decision