

Decision for dispute CAC-UDRP-103500

Case number	CAC-UDRP-103500
-------------	-----------------

Time of filing	2021-01-08 08:17:45
----------------	---------------------

Domain names	créditagricole.com
--------------	--------------------

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)
--------------	---

Complainant

Organization	CREDIT AGRICOLE S.A.
--------------	----------------------

Complainant representative

Organization	Nameshield (Enora Millocheau)
--------------	-------------------------------

Respondent

Name	Ayoob Nalla
------	-------------

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, inter alia, of the following trademark registrations consisting of or comprising CREDIT AGRICOLE:

- European Union trademark registration No. 006456974 for CREDIT AGRICOLE (word mark), filed on November 13, 2007 and registered on October 23, 2008 in international classes 9, 16, 35, 36, 38 and 42;
- European Union trademark registration No. 005505995 for CA CRÉDIT AGRICOLE (figurative mark), filed on November 20, 2006 and registered on December 20, 2007, in international classes 9, 36 and 38.

The Complainant is also the owner, amongst others, of the domain names <creditagricole.com>, registered on June 11, 2001, and <credit-agricole.com>, registered on December 31, 1999, both of which are used by the Complainant to promote its products and services under the trademark CREDIT AGRICOLE.

FACTUAL BACKGROUND

The Complainant is a leading European bank and asset manager, the largest European bank insurer and the third largest financial sponsor in European Projects.

Founded in France in 1894, the Complainant now boasts 51 million retail customers in France, 10,5 million members and 142,000 employees worldwide.

The disputed domain name <créditagricole.com> was registered on December 28, 2020 and redirects to the Complainant's official website "www.credit-agricole.com".

PARTIES CONTENTIONS

PARTIES' CONTENTIONS

COMPLAINANT

The Complainant contends that disputed domain name <créditagricole.com> is confusingly similar to the trademark CREDIT AGRICOLE in which the Complainant has rights, as it reproduces the trademark in its entirety with the mere addition of an accented "e" and the generic Top Level Domain ".com".

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name since, as also shown by the Whois records, the Respondent is not commonly known by the disputed domain name.

Moreover, the Complainant emphasizes that the Respondent is in no way affiliated, sponsored or endorsed by the Complainant, to carry out any activity on its behalf through the disputed domain name or otherwise, nor has it been granted any license or authorization to make any use of the Complainant's trademark CREDIT AGRICOLE.

The Complainant further underlines that, since the disputed domain name is pointed to the Complainant's official website, by using the disputed domain name, the Respondent has not made a bona fide offering of goods or services or any legitimate non-commercial or fair use of the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Respondent was more than aware of the Complainant and its rights when registering the disputed domain name, especially considering that the latter redirects to the Complainant's official website.

Moreover, given the distinctiveness of the Complainant's trademark, the Complainant asserts that the Respondent has registered the disputed domain name in bad faith, in an effort to take advantage of its goodwill and reputation, with the sole aim to create a likelihood of confusion with the Complainant's trademark.

RESPONDENT

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

1. The Panel finds that the disputed domain name is confusingly similar the Complainant's word trademark CREDIT AGRICOLE as it reproduces the Complainant's trademark in its entirety, with the mere addition of an accented "é" and the generic Top Level Domain ".com". As stated in a number of prior decisions rendered under the UDRP, these minor changes are not sufficient to exclude the likelihood of confusion.

2. The Complainant stated that the Respondent is not affiliated with or authorized by the Complainant in any way. There is no evidence of the fact that the Respondent might have been commonly known by the disputed domain name or by a name corresponding to the disputed domain name.

Moreover, according to the evidence on records, the Respondent has redirected the disputed domain name to the Complainant's website, showing that it did not make use, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, or that it made a legitimate non-commercial or fair use of the disputed domain name. Therefore, and in the absence of a Response, the Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

3. As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness and well-known character of the Complainant's trademark, with which the disputed domain name is confusingly similar, of the prior registration and use of the trademark CREDIT AGRICOLE by the Complainant and of the Respondent's redirection of the disputed domain name to the Complainant's official website, the Respondent was well aware of the Complainant's trademark at the time of the registration of the disputed domain name.

The Panel also finds that the Respondent's use of the disputed domain name to redirect traffic to the Complainant's own website implies bad faith as there is a risk that the Respondent may at any time cause Internet traffic to redirect to a website that is not that of, or associated with, the Complainant and as it may increase customer confusion that the disputed domain name is somehow licensed or controlled by the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CRÉDITAGRICOLE.COM**: Transferred
-

PANELLISTS

Name	Luca Barbero
------	---------------------

DATE OF PANEL DECISION	2021-02-15
------------------------	------------

Publish the Decision
