

Decision for dispute CAC-UDRP-103688

Case number	CAC-UDRP-103688
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Time of filing	2021-03-25 09:03:06
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Domain names	hambrosbanks.com
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	SOCIETE GENERALE
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Complainant representative

Organization	Nameshield (Enora Millocheau)
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Respondent

Name	DYNAMO ACADEMICAL
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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 owns the European trademark registration No. 209254 "HAMBROS", registered on April 1, 1996 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is Societe Generale S.A., a French multinational investment bank and financial services company headquartered in Paris, France and one of Europe's leading financial services groups and a major player in the economy for over 150 years, which supports 29 million clients every day with 138,000 staff in 62 countries.

The Complainant is the owner of other domain names which include the Trademark, such as <kleinworthambros.com> registered on October 11, 2016.

The disputed domain name <hambrosbanks.com> was registered on January 15, 2021 and is used in connection with an active website offering banking services.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant. Moreover, the Complainant contends that the website in relation with the disputed domain name offers banking services, which compete with the services provided by the Complainant and that this is not a use indicative of rights or legitimate interests.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and due to the circumstances the Respondent cannot have registered the disputed domain name by coincidence. Further, the Complainant argues that the Respondent's use of the website by offering competitive services is evidence of bad faith.

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy despite the addition of generic terms, such as "banks" in the present case.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as all circumstances point to a bad faith registration.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith. The Respondent is using the disputed domain name to operate a website that provides for services that compete with the Complainant's business. The Respondent is profiting from such use since the likelihood of confusion among Internet users as to Complainant's sponsorship of or affiliation with the resulting website is high. Such use constitutes a disruption of Complainant's business and is therefore evidence of bad faith registration and use pursuant to paragraph 4(b)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **HAMBROSBANKS.COM**: Transferred

PANELLISTS

Name	Stefania-Despoina Efsthathiou, LL.M. mult.
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DATE OF PANEL DECISION	2021-04-26
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Publish the Decision
