

Decision for dispute CAC-UDRP-104262

Case number	CAC-UDRP-104262
Time of filing	2022-01-07 08:56:42
Domain names	creditagricole.services

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	CREDIT AGRICOLE S.A.
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Paula Paula
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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 is the owner of a number of trade marks for CREDIT AGRICOLE including, by way of example, European Trade Mark Registration, number 006456974 for CREDIT AGRICOLE, in classes, 9, 16, 35, 36, 38 and 42, registered on October 23, 2008.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a large retail bank with its headquarters in Cedex, France, which provides a wide range of banking services in many countries. The Complainant's brand is CREDIT AGRICOLE and in addition to its trade marks, it owns domain names which comprise this term, including <creditagricole.com> which was registered on June 11, 2001.

The disputed domain name was registered on December 29, 2020. It resolves to a website containing pay-per-click ("PPC") links including "Ouverture compte gratuit" (that is; "Free account opening") and "Ouvrir Compte Bancaire en Ligne Gratuit" ("To open a free online bank account").

The disputed domain name is identical to a trade mark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. In particular, the use of the disputed domain name to resolve to a website containing PPC links relating to the Complainant's business does not amount to a bona fide offering of goods and services.

The Respondent has registered and is using the disputed domain name in bad faith. In view of the fame and repute of the Complainant's marks, it is reasonable to infer that the Respondent registered the disputed domain name with knowledge of them. The Respondent is using the disputed domain name in order to attempt to attract Internet user for commercial gain to its website which amounts to evidence of bad faith.

PARTIES CONTENTIONS

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 that the Complainant prove each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; 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.

Rights

The Panel finds that the disputed domain name is identical to the Complainant's CREDIT AGRICOLE mark.

Rights and legitimate interest

The use by the Respondent of the disputed domain name in order to resolve to a website containing PPC links which are associated with the Complainant's business activities does not amount to a bona fide offering of goods and services as the links

capitalize on the reputation and goodwill of the Complainant's mark; see, for example, CAC Case No. 102384, Avast Software s. r. o. v Milen Radumilo.

There is no evidence that the Respondent has been commonly known by the disputed domain name, nor does the Respondent's use of the domain name to point to a directory page amount to making a legitimate non-commercial or fair use of it.

The Complainant having made out a prima facie case in relation to the second element, the burden of proof shifts to the Respondent to rebut it. In the absence of any response by it to the Complaint, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **CREDITAGRICOLE.SERVICES:** Transferred

PANELLISTS

Name	Antony Gold
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DATE OF PANEL DECISION	2022-02-11
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Publish the Decision