

WIPO Arbitration and Mediation Center

ADMINISTRATIVE PANEL DECISION

Case No. DNL2019-0006

Date 22 April 2019

1. The Parties

The Complainant is Crédit Agricole S.A. of Montrouge Cedex, France, represented by Nameshield, France.

The Respondent is [X] of Mumbai, India.

2. The Domain Name and Registrar

The disputed domain name <creditagricole.nl> (the “Domain Name”) is registered with SIDN through 1API GmbH.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2019. On February 15, 2019, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name. On February 15, 2019, SIDN transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 2019, providing the registrant and contact information disclosed by SIDN, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint on February 21, 2019. The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 26, 2019. In accordance with the Regulations, article 7.1, the due date for Response was March 18, 2019. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2019.

The Center appointed Wolter Wefers Bettink as the panelist in this matter on April 8, 2019. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant is a leading retail bank in France and one of the largest banks in Europe, offering a variety of financial services, including insurance.

The Complainant owns several trade marks containing “Credit Agricole”, including (hereafter referred to as the “Trade Marks”):

- International trade mark CA CRÉDIT AGRICOLE no 441714, registered on October 25, 1978;

- European Union trade mark CREDIT AGRICOLE no 006456974, registered on October 23, 2008.

The Domain Name was registered on February 10, 2019, and resolves to a parking page with commercial links to, *inter alia*, car and housing insurance. The website displays the following message in the French language: “Acheter ce domaine - Le propriétaire met en vente le domaine creditagricole.nl au prix de 2999 EUR!”, which translates to “Buy this domain - The holder sells the domain name creditagricole.nl for 2999 EUR!”. The Domain Name is also offered for sale on the domain name marketplace SEDO for EUR 2,999.

5. Parties’ Contentions

A. Complainant

According to the Complainant the Domain Name is identical to the Trade Marks as it includes the Trade Marks in their entirety and without any additional letter or word. The Complainant contends that the addition of the country code Top-Level Domain (“ccTLD”) “.nl” does not change the overall impression of the Domain Name as being connected to the Trade Marks. It does not prevent the likelihood of confusion between the Domain Name and the Complainant, its trade marks and its branded goods.

The Complainant submits that the Respondent lacks rights or legitimate interests in the Domain Name. The Complainant asserts that the Respondent has not been commonly known by the Domain Name and is not in any way related to the Complainant or its business activities. The Complainant states that it has not granted a license or authorized the Respondent to use the Trade Marks or apply for registration of the Domain Name. The Complainant contends that the use of the Domain Name for a parking page with commercial links cannot be regarded as legitimate noncommercial or fair use. The Complainant asserts that the Respondent only registered the Domain Name in order to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Trade Marks.

According to the Complainant the Respondent registered the Domain Name with full knowledge of the Trade Marks, as it is a well-known bank, and all the results in an Internet search carried out by the Complainant are related to the Complainant or its products. Furthermore, the Complainant asserts that the Respondent is using the Domain Name in bad faith, since (i) the website to which the Domain Name resolves is a parking page with commercial links and offering it for sale; and (ii) the Respondent has attempted to attract Internet users for commercial gain to his own website by using the Trade Marks in the Domain Name.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown that it has registered rights in the Trade Marks.

The Domain Name is confusingly similar to the Trade Marks as it incorporates the mark CREDIT AGRICOLE in its entirety. The ccTLD “.nl” is typically disregarded under the confusing similarity test, since it is a technical registration requirement (see [WIPO](#)

Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 1.2)¹.

Therefore, the Panel finds that the Domain Name is confusingly similar to the Trade Marks in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has to make out at least a *prima facie* case that the Respondent does not have rights or legitimate interests in the Domain Name (see WIPO Overview 3.0, section 2.1).

Based on the evidence and the undisputed submissions of the Complainant, the Panel concludes that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Trade Marks. The Respondent’s use of the Domain Name in the present case for a website containing a parking page with sponsored links related to the Complainant’s field of activities, falsely suggests an affiliation with the Complainant. This does not constitute a *bona fide* offering of goods or services, or a legitimate noncommercial or fair use. The Respondent has not rebutted the Complainant’s contentions.

In view of the above, the Panel concludes that the Complainant has established that the Respondent has no rights or legitimate interests in the Domain Name.

C. Registered or Used in Bad Faith

Based on the uncontested information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the Domain Name the Respondent was or should have been aware of the Trade Marks, since:

- the Respondent’s registration of the Domain Name occurred more than forty years after the earliest registration of the Trade Marks;
- the elements “Credit Agricole” of which the Trade Marks consist, are incorporated in their entirety in the Domain Name;
- the Trade Marks are well-known and a simple trade mark register search, or even an Internet search, prior to registration of the Domain Name in its name would have informed the Respondent of the existence of the Trade Marks.

Under these circumstances, the Panel concludes that the Domain Name has been registered in bad faith.

With regard to bad-faith use, the Panel considers the fact that the Domain Name resolves to a website containing a parking page with sponsored links related to the Complainant’s field of activities, to be a clear indication that the Domain Name is being used to intentionally attempt to attract, for commercial gain, Internet users to the website or other online location by creating a likelihood of confusion with the Trade Marks as to the source, sponsorship, affiliation or endorsement of the website to which the Domain Name resolves, within the meaning of paragraph 3.2 (d) of the Regulations.

Further evidence that the Domain Name has been registered or is being used in bad faith is found in the fact that the Domain Name is being offered for sale for a price in excess of the cost of registration (see paragraph 3.2 (a) of the Regulations).

Therefore, the Panel concludes that the Domain Name has been registered and is being used in bad faith.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the domain name <creditagricole.nl> be transferred to the Complainant.

Wolter Wefers Bettink
Panelist