

ADMINISTRATIVE PANEL DECISION

Abeille Assurances v. Laurent Maurial, ABEILLE COMMERCE EUROPE
Case No. D2024-1056

1. The Parties

The Complainant is Abeille Assurances, France, represented by IP Twins, France.

The Respondent is Laurent Maurial, ABEILLE COMMERCE EUROPE, France.

2. The Domain Name and Registrar

The disputed domain name <abeille-commerceeurope.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 11, 2024. On March 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On March 18 and March 19, 2024, the Respondent sent email communications to the Center. The Complainant filed an amended Complaint on March 25, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2024. On April 19, 2024, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on May 8, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, a French mutual insurance economic interest group, was set up in 2021 to continue the French operations of the United Kingdom insurer Aviva when the latter withdrew from the French insurance market.

The Complainant owns several registered trademarks containing the term “abeille”, including French trademark No. 4837150 for ABEILLE, registered on January 25, 2022 (hereinafter referred to as: the “Mark”).

The Complainant owns many domain names with the element “abeille”, such as <abeille-assurances.fr>, registered on February 13, 2006.

The disputed domain name was registered on September 13, 2023.

The disputed domain name resolved to a parking page of the Registrar, and at the time of the Decision, it resolves to an error page. The Complainant has provided evidence showing that the disputed domain name was used to send at least one email containing an investment offer and identifying the sender as a staff member of “Service Financier, Abeille Commerce Europe.”

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name reproduces the Mark, in which it has rights, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark and that the words “commerce” and “europe” after the Mark are not capable to prevent a finding of confusing similarity, as the Mark remains recognizable in the disputed domain name.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and never had any affiliation with the Complainant (which never authorized the Respondent to use the Mark in any manner) nor with its affiliate Abeille Commerce Europe.

Furthermore, the Complainant contends that the Respondent had knowledge of the Mark and registered the disputed domain name in bad faith, and is also using it in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. E-mails from the Respondent were received by the Center on March 18 and 19, 2024, seeking information about the proceeding.

6. Discussion and Findings

6.1. Procedural Aspects – Failure to formally Respond

As aforementioned, no formal Response was received from the Respondent regarding the Complainant's contentions.

Under the Rules, Paragraphs 5(f) and 14(a), if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint.

The Panel does not find any exceptional circumstance in this case which would cause the Panel to proceed differently.

Under Paragraph 4(a) of the Policy, it is the Complainant's burden to establish that all three of the required criteria for a transfer of the disputed domain name have been met.

Under Paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent's lack of answer to the Complainant's contentions as it considers appropriate under the circumstances.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. In particular, the Respondent has failed to offer the Panel any of the types of evidence set forth in Paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

Moreover, as discussed below, the Respondent has failed to provide any exculpatory information or reasoning that might have led the Panel to question the Complainant's arguments that the Respondent has acted in bad faith.

6.2. Requirements of Paragraph 4(a) of the Policy

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Mark is recognizable within the disputed domain name.

Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here, such as "commerce" and "europe" (preceded by a hyphen), may bear on the assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Regarding the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name, it is well established that a gTLD does not generally affect the assessment of a domain name for the purpose of determining identity or confusingly similarity. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel notes that for the registration of the disputed domain name, the Respondent provided to the Registrar, as organization’s name, that of “ABEILLE COMMERCE EUROPE” with an address in Paris, France, which is that of an investment fund affiliated with the Complainant. There is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain name or “Abeille Commerce Europe”. Rather, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with the Complainant, in connection with the fraudulent use of the disputed domain name.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Mark.

Regarding the bad faith registration of the disputed domain name, the Respondent indisputably targeted the Mark and provided incorrect information to the Registrar about his organization’s name, in effect attempting to pass off as an affiliate of the Complainant.

Regarding the bad faith use of the disputed domain name, the Complainant has provided evidence that MX servers were configured on the disputed domain name and that at least one phishing email was sent.

It is well established that the use of a domain name for an activity which is intrinsically illicit or fraudulent is systematically considered as evidencing the Respondent’s bad faith. [WIPO Overview 3.0](#), sections 3.1.4 and 3.4.

This is all the more so in the present case, where the risks for the Complainant are higher due to its financial activities in the insurance sector.

Based on the available record, the Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <abeille-commerceeurope.com> be transferred to the Complainant.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Sole Panelist

Date: May 22, 2024