

## **ADMINISTRATIVE PANEL DECISION**

Amundi Asset Management v. Nicole Vansebrouck  
Case No. D2022-0719

### **1. The Parties**

The Complainant is Amundi Asset Management, France, represented by Nameshield, France.

The Respondent is Nicole Vansebrouck, France.

### **2. The Domain Name and Registrar**

The disputed domain name <amundi-management.com> is registered with Wix.com Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 2, 2022. On March 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 8, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 9, 2022.

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 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 4, 2022.

The Center appointed Christophe Caron as the sole panelist in this matter on April 7, 2022. 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 is AMUNDI ASSET MANAGEMENT, a French asset management company.

The Complainant owns:

- the international trademark no. 1024160 AMUNDI registered on September 24, 2009;
- the domain name <amundi.com> registered on August 26, 2004.

The disputed domain name was registered on February 15, 2022. The disputed domain name resolves to a Registrar parking page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant makes the following contentions.

##### **Identical or Confusingly Similar**

First, the Complainant states that the disputed domain name is confusingly similar to its trademark and branded services AMUNDI. The disputed domain name contains the Complainant's trademark AMUNDI in its entirety.

The Complainant adds that the additional term "management" is not sufficient to avoid the likelihood of confusion. On the contrary, the Complainant considers that it worsens the likelihood of confusion, as it refers to the Complainant's denomination and activities.

Furthermore, the Complainant adds that in similar cases its rights over the term "amundi" have been confirmed by previous Panels.

For the above-mentioned reasons, the Complainant considers that the disputed domain name is confusingly similar to its trademark.

##### **Rights or Legitimate Interests**

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name.

Moreover, the Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way to make any use of its trademark. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to its business.

In addition, the Complainant indicates that the disputed domain name resolves to a parking page and that it has been used in a phishing scheme.

Considering these elements, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

##### **Registration and Use in Bad Faith**

The Complainant contends that regarding the global use, distinctiveness and reputation of its trademark AMUNDI, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark, constituting opportunistic bad faith.

In addition, the Complainant indicates that the disputed domain name resolves to a parking page and that it has been used in a phishing scheme. The Complainant states that the Respondent used the disputed domain name in bad faith, as it is well-established that using a domain name for purposes of phishing or other fraudulent activity constitutes solid evidence of bad faith use.

Thus, the Complainant claims that the disputed domain name is registered and used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to trademarks registered by the Complainant.

The Complainant is the owner of the international trademark listed in Section 4 above.

The trademark AMUNDI is entirely reproduced in the disputed domain name.

The addition of ".com" in the disputed domain name does not prevent confusing similarity. This is also the case for the additional term "management". See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.11 and 1.8.

The Panel therefore finds that the disputed domain name is confusingly similar to the registered trademarks AMUNDI in which the Complainant has rights.

Thus, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

### **B. Rights or Legitimate Interests**

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

This Panel is satisfied that the Respondent does not appear to have been commonly known by the disputed domain name, he is not affiliated with the Complainant, nor in any way authorized to use the Complainant's trademark. Nevertheless, the Respondent has created a disputed domain name consisting of the AMUNDI trademark, coupled together with the term "management" that is descriptive of the services offered by the Complainant and is also featured in the Complainant's corporate name, giving the false impression to Internet users that the disputed domain name may be connected to the Complainant, contrary to the fact.

Furthermore, the Respondent cannot claim to have been using the term "amundi", which has no meaning, without being aware of the Complainant's rights. Rather, the Respondent has used the disputed domain

name in furtherance of a fraudulent email scheme, an illegal use that can never confer rights or legitimate interests upon a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

Hence, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that the requirement of paragraph 4(a)(ii) of the Policy is also satisfied.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent has registered and is using the disputed domain name in bad faith.

Regarding the global use, distinctiveness, and reputation of the AMUNDI trademark, the Respondent could not have ignored it at the time of the registration. The mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Moreover, by using the disputed domain name in a phishing scheme, the Respondent used the disputed domain name in bad faith, as it is well-established that using a domain name for purposes of phishing or other fraudulent activity constitutes solid evidence of bad faith use.

For all these reasons, it appears to this Panel that the disputed domain name has been registered and is being used in bad faith.

The Panel therefore finds that paragraph 4(a)(iii) of the Policy is also satisfied.

## **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 <amundi-management.com> be transferred to the Complainant.

*/Christophe Caron/*

**Christophe Caron**

Sole Panelist

Date: April 21, 2022