

## **ADMINISTRATIVE PANEL DECISION**

Amundi Asset Management v. yaya  
Case No. D2022-0721

### **1. The Parties**

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

The Respondent is yaya, France.

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

The disputed domain name <amundi.digital> is registered with Hostinger, UAB (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 7, 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 8, 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 6, 2022.

The Center appointed Christophe Caron as the sole panelist in this matter on April 11, 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 a French asset management company.

The Complainant owns:

- International trademark No.1024160 AMUNDI registered on September 24, 2009;
- The Complainant owns domain name <amundi.com> registered on August 26, 2004.

The disputed domain name <amundi.digital> was registered on February 27, 2022. At the time of filing the Complaint, the disputed domain name resolves to a login page requesting Internet users to provide their credentials.

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

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

The Complainant makes the following contentions.

Identical or Confusingly Similar

First, the Complainant states that the disputed domain name <amundi.digital> is identical to its trademark and branded services AMUNDI.

The Complainant contends that the addition of the new generic Top-Level-Domain ("gTLD") ".digital" does not change the overall impression of the designation as being connected to the Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Furthermore, the Complainant adds that many UDRP decisions have confirmed its rights.

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

Rights or Legitimate Interests

The Complainant asserts that the Respondent is not identified in the Whois database for 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 login page - which copies the Complainant's official customer access - asking the Complainant's customer their ID number and password. Therefore, the Complainant contends that the Respondent registered the domain name in order to create a likelihood of confusion and phish for personal information.

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 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 login page - which copies the Complainant's official customer access - asking the Complainant's customer their credentials. Thus, the Complainant contends that the Respondent attempts to pass off the Complainant in order to phish for personal information, which is a hallmark of bad faith.

On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name 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 verbal trademark No.1024160 "AMUNDI" registered on September 24, 2009.

The trademark AMUNDI is entirely reproduced in the disputed domain name <amundi.digital>.

The addition of ".digital" in the disputed domain name is a technical requirement, generally disregarded for the purpose of the analysis of the confusing similarity (see section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")).

The Panel therefore finds that the disputed domain name is identical to the registered trademark 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 any rights or legitimate interests in respect of the disputed domain name, he is not affiliated with the Complainant, nor in any way authorized to use the Complainant's trademark.

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

UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation (see section 2.5.1 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.

Moreover, the Respondent does not use the disputed domain name. According to the evidence provided by the Complainant, the disputed domain name was linked to a login page - which copied the Complainant's official customer access - asking the Complainant's customer their ID number and password.

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.digital> be transferred to the Complainant.

*/Christophe Caron/*

**Christophe Caron**

Sole Panelist

Date: April 21, 2022