

## **ADMINISTRATIVE PANEL DECISION**

Amundi Asset Management v. Laurent Guerson  
Case No. D2022-0730

### **1. The Parties**

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

The Respondent is Laurent Guerson, France.

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

The disputed domain name <amundi-europe.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 2, 2022. On March 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 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 4, 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 7, 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 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 28, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 30, 2022.

The Center appointed Elise Dufour as the sole panelist in this matter on April 21, 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 company having offices in 36 countries in Europe, Asia-Pacific, the Middle East and the Americas. The Complainant is one of the leading European asset managers, managing over EUR 2.064 trillion with the assistance of nearly 5,300 employees.

The Complainant is the owner of the international trademark AMUNDI No. 1024160, registered on September 24, 2009, duly renewed, and designating services in International Classes 36.

It also owns various domain names that incorporate its AMUNDI mark, including <amundi.com> registered on August 26, 2004.

The disputed domain name is <amundi-europe.com>. It was registered on February 28, 2022 and resolves to a parking page.

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

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

The Complainant contends that (i) the disputed domain name is identical or confusingly similar to the Complainant's trademarks; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

(i) The Complainant claims that the domain name is identical or confusingly similar to its trademarks and domain names. Indeed, the disputed domain name incorporates entirely the Complainant's trademark AMUNDI with the addition of the term "europe" and the generic Top-Level Domain ("gTLD") ".com", which does not prevent a finding of confusing similarity.

(ii) The Complainant stresses that the Respondent is not identified in the Whois database. The Complainant has never affiliated nor authorized the Respondent to register and/or use any domain name incorporating Complainant's trademarks, nor granted any license or any authorization to use its trademarks. Moreover, for the Complainant, the Respondent did not demonstrate legitimate interests in the disputed domain name as it resolves to a parking page.

(iii) Due to the distinctiveness and reputation of the trademark AMUNDI, the Complainant considers that the Respondent could not have ignored the existence of the Complainant's trademark at the time the disputed domain name was registered, constituting opportunistic bad faith.

The Complainant also claims that the Respondent's use of the disputed domain name is made in bad faith, as the disputed domain name resolves to a parking page and has been set up with MX records. The Complainant contends that the Respondent has not demonstrated any other activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of the Complainant's rights under trademark law, or an attempt to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

##### **B. Respondent**

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

## 6. Discussion and Findings

In the absence of a formal Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- 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 was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

### A. Identical or Confusingly Similar

The disputed domain name wholly incorporates the Complainant's trademarks AMUNDI, which is clearly recognizable within the disputed domain name. As long established by previous UDRP panels, this is sufficient to determine that the disputed domain name is identical or confusingly similar to the Complainant's trademarks.

The addition of the term "Europe", does not prevent the disputed domain name to be confusingly similar to the Complainant's trademark.

Finally, the generic Top-Level Domain ("gTLD") ".com" extension may be ignored for the purposes of comparison, such element being a standard technical registration requirement and, as such, is generally disregarded under the first element confusing similarity test. See section 1.11, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

Thus, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel finds that the requirement of paragraph 4(a)(i) of the Policy is met.

### B. Rights or Legitimate Interests

On the basis of the submitted evidence and arguments, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name:

Indeed, the Panel notes that the Complainant has never authorized the Respondent to register and/or use any domain name incorporating the Complainant's trademarks, nor granted any license or any authorization to use its trademarks.

As such, the Panel finds that the burden of production regarding this element shifts to the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

The Panel notes that the Complainant's *prima facie* case remains un rebutted.

Furthermore, the evidence demonstrates that, at the time of filing of the Complaint, the disputed domain name directed to a parking page, which cannot qualify as a *bona fide* offering of goods and services.

Accordingly, the Complainant has provided evidence supporting its *prima facie* claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the disputed domain name.

Thus, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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

With regards to the registration of the disputed domain name, which encompasses the trademark AMUNDI with the addition of the term “europe”, the Panel considers it unlikely that, at the time of the registration of the disputed domain name, the Respondent did not know about the Complainant's trademark, inasmuch the Complainant's trademark is extensively used, distinctive and has a strong reputation, especially in France where the Respondent is based. Noting the composition of the disputed domain name, the Panel finds that the Respondent probably registered it to take unfair advantage of its significance as a trademark owned by the Complainant.

As to the use of the disputed domain name in bad faith, as previously mentioned, at the time of filing of the Complaint, the disputed domain name resolved to a parking page. In addition, the disputed domain name has been set up with MX records.

As previous UDRP panels have considered, a passive holding situation does not prevent a finding of bad faith when associated with other elements such as the degree of notoriety of the mark or lack of response, as is the case here (see section 3.3 of the [WIPO Overview 3.0](#)).

The Complainant's trademarks are well-know. In addition, the establishment of MX records for a domain name points towards a potential active use of it, which, in the circumstances of this case, and particularly noting the composition of the disputed domain name, affirms the Respondent's bad faith.

Therefore, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

### **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-europe.com>, be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: May 5, 2022