

ADMINISTRATIVE PANEL DECISION

AXA SA v. Fredrick

Case No. D2022-0932

1. The Parties

The Complainant is AXA SA, France, represented by Selarl Candé - Blanchard - Ducamp, France.

The Respondent is Fredrick, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <onlineaxaportal.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2022. On March 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 23, 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 amendment to the Complaint on March 23, 2022.

The Center verified that the Complaint together with the amendment to the 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 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 29, 2022.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on May 12, 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 the holding company of the AXA group, which roots go back to the 18th century, having a strong, long-standing history in the field of insurance and that, after a succession of mergers, acquisitions and name changes, adopted the trade name AXA in 1985. Since 1988, AXA is traded on the Paris Stock Exchange; in 1996, it became listed on the New York Stock Exchange; and in 2021, it was a financial support of France's economic recovery and the medical sector. Presently, the Complainant's group is present in 54 countries and employs 153,000 people, providing insurance, saving and asset management products and services.

In 2021, the Trademark "AXA" was ranked 48th among the best global brands according to the Interbrand ranking.

The Complainant holds numerous trademark registrations in many jurisdictions that comprise the term "axa", including, among the others, the following:

- International Trademark Registration No. 490030, AXA, registered on December 5, 1984, in classes 35, 36, and 39;
- European Union Trademark Registration No. 373894, AXA and device, registered on July 29, 1998, in classes 35 and 36;
- European Union Trademark Registration No. 8772766, AXA, registered on September 7, 2012, in Classes 35 and 36; and

Moreover, the Complainant is also the owner, among the others, of the domain names:

- <axa.com> registered on October 23, 1995
- <axa.fr> registered on May 20, 1996
- <axa.net> registered on November 01, 1997
- <axa.info> registered on July 30, 2001

The disputed domain name was registered on February 10, 2021 and at the time of filing the Complaint did not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant argues that the disputed domain name is almost identical to the Complainant's trademarks and domain names and highlights how the term "axa" has no particular meaning being highly distinctive, and the AXA mark is well known around the world in the field of insurance and financial services.

The disputed domain name incorporates the AXA mark in its entirety, adding the generic terms "online" and "portal". The Internet users may believe that the disputed domain name is other official website of the Complainant's, and more specifically a portal which would permit to access to all AXA's services.

The Respondent is not affiliated with the Complainant and there is no evidence to suggest that the Respondent has registered the disputed domain name to advance legitimate interests.

The Complainant has never licensed or otherwise permitted the Respondent to use its trademark or to register any domain name including its trademark.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove 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.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

In the present case, the disputed domain name incorporates the term "axa", which is identical to the Complainant's registered trademarks AXA.

It is clear that the disputed domain name incorporates in its entirety the AXA trademark to which the terms "online" and "portal" have been added.

It is well established that the addition of terms to a trademark in a domain name does not avoid confusing similarity. See *e.g.*, *eBay Inc. v. ebayMoving / Izik Apo*, WIPO Case No. [D2006-1307](#).

Moreover, it is well established that the generic Top-Level Domains ("gTLD") ".com", being a necessary component of a domain name, may be disregarded for the purpose of comparison under this ground. See, *F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.*, WIPO Case No. [D2006-0451](#); and *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel finds that the first element of the Policy has been met.

B. Rights or Legitimate Interests

According to the Policy, paragraph 4(a)(ii), the Complainant has to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not in any way affiliated with the Complainant, nor has the Complainant authorized or licensed the Respondent to use its trademarks, or to seek registration of any domain name incorporating its trademarks.

The Respondent has not made any submissions or any demonstrations that it has rights or legitimate interests in the disputed domain name.

In *Guerlain S.A. v. Peikang*, WIPO Case No. [D2000-0055](#), the panel stated that: "in the absence of any license or permission from the Complainant to use any of its trademarks or to apply for or use any domain name incorporating those trademarks, it is clear that no actual or contemplated *bona fide* or legitimate use of the domain name could be claimed by Respondent."

The Panel finds no evidence that the Respondent has used, or undertake any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services.

Likewise, no evidence has been adduced that the Respondent has been commonly known by the disputed domain name; nor, for the reasons mentioned above, is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

The Panel concludes, noting that the Respondent lacks any rights or legitimate interests in the disputed domain name, that the second element of the Policy has, therefore, been met.

C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts, and agrees with the Complainant's contentions that the disputed domain name was registered and is being used in bad faith.

The UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity, as is the case here, can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4

Under section 3.3 of the [WIPO Overview 3.0](#), the non-use of a domain name, would not prevent a finding of bad faith under the doctrine of passive holding. Previous UDRP panels have held that the passive holding of a domain name that incorporates a well-known trademark may infer bad faith in appropriate circumstances (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

Here, the Panel finds that the passive holding of the disputed domain name in the circumstances of this case does not prevent a finding of bad faith registration and use (see section 3.3 of the [WIPO Overview 3.0](#)), and further constitutes a disruption of the Complainant's business under the paragraph 4(b)(iii) of the Policy.

The bad faith registration and use of the disputed domain name is also affirmed by the fact that the Respondent has not denied, or even responded to, the assertions of bad faith made by the Complainant in this proceeding.

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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, <onlineaxaportal.com>, be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: May 26, 2022