

ADMINISTRATIVE PANEL DECISION

AXA SA v. Lieselotte Hildebrandt

Case No. D2023-0800

1. The Parties

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

The Respondent is Lieselotte Hildebrandt, Germany.

2. The Domain Name and Registrar

The Disputed Domain Name <axa-espaceclient.com> is registered with Mesh Digital Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 22, 2023. On February 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 28, 2023, 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 ("No information") and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 2023 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 1, 2023.

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 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 3, 2023.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on April 18, 2023. 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 world's number one commercial property and casualty insurer employing 110,447 people worldwide additionally the Complainant is a world leader in insurance, saving and asset management, serving 95 million customers. The Complainant is present in 50 countries and does business in diversified geographic regions and markets across notably Europe, Africa, North America and Asia-Pacific.

The Complainant's trademark AXA is ranked 43th among the 100 best global brands according to the Interbrand ranking and the value of the brand is steadily increasing, representing over USD 15.7 billion in value.

The Complainant is the owner of the following trademarks:

- International trademark AXA n°490030 registered on December 5, 1984 in classes 35, 36, and 39, in particular for "advertising and business. Insurance and financial services", duly renewed and designating *inter alia* Algeria, Austria, Bosnia and Herzegovina, Croatia, Egypt, Spain, Hungary, Italy, Morocco, Monaco, Portugal, Democratic People's Republic of Korea, Romania, Russian Federation, Sudan, Ukraine, Vietnam, Serbia, Benelux Office for Intellectual Property and Switzerland;
- International trademark AXA (+design) n°1519781 registered on May 29, 2019 in classes 35, 36, 37, 39, 44, and 45, in particular for "Advertising, business assistance for industrial and commercial companies; Insurance underwriting and financial services; banking, real estate agency services, real estate affairs" designating the following countries: Australia, Colombia, the European Union, Japan, Mexico, Norway, the Philippines, Singapore, Thailand, Türkiye, the United States of America, China, Algeria, Morocco, Russian Federation and Ukraine;
- European Union trademark AXA (+design) n°373894 filed on August 28, 1996 and registered on July 29, 1998 in classes 35 and 36, in particular for "financial, monetary affairs; fund investments; financial evaluations and appraisals, financial investment consultancy, financial analysis; management of portfolios, financial investments; financing services; investment and mutual capital; banking; debt collection"; and
- European Union trademark AXA n°008772766 filed on December 21, 2009 and registered on September 7, 2012 in classes 35 and 36 in particular for the following services: "Insurance and finance; banking services."

The Disputed Domain Name <axa-espaceclient.com> was registered on September 6, 2022 and resolves to a website stating: "This domain name is pending ICANN verification".

5. Parties' Contentions

A. Complainant

The Disputed Domain Name reproduces identically the trademark AXA which as itself has no particular meaning and is therefore highly distinctive. The addition of the terms "espace client" which means "customer area" in French to the trademark AXA, does not prevent a finding of confusing similarity, on the contrary. There are strong chances that Internet users may believe that the Disputed Domain Name is another official website of the Complainant's which permits to connect to their AXA customer area.

It is obvious that the registrant does not have any right or legitimate interest in using the Disputed Domain Name. The Complainant has never licensed or otherwise permitted anyone to register the Disputed Domain Name. The Complainant has sent three formal notices to the Respondent to stop using the domain name, on October 10 and 18 and November 2, 2022.

There is obviously no relationship whatsoever between the involved parties. For this first reason, the Respondent has no prior rights and/or legitimate interest to justify the use of the Complainant's trademarks.

The Respondent has clearly adopted the Complainant's trademark, which has acquired a substantial reputation around the world, for its own use and incorporated it into his domain name without the Complainant's authorization.

The Respondent has not been commonly known by the domain name or even associated with the name AXA, whereas the AXA trademark appears to be well-known. Thirdly, the Respondent is not making a fair use of the domain name without intent for commercial gain and is misleadingly diverting consumers.

The Complainant submits that the Respondent was aware of the Complainant's AXA trademarks at the time that he acquired the Disputed Domain Name. The Complainant has submitted ample evidence to support its claim that the trademark AXA has become internationally famous and enjoys worldwide good reputation.

The Complainant submits that its trademarks have strong reputation and are widely known, as evidenced in the present complaint. The Respondent is not seriously interested in actively using the Disputed Domain Name in good faith as <axa-espaceclient.com> is pending ICANN verification. The Complainant did not receive any answer to the three formal notices sent to the Respondent to stop the use of the Disputed Domain Name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the AXA marks which are globally famous. The addition of the terms "espace client" does not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain name decades after the Complainant had begun using its globally famous AXA marks indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Moreover, the Disputed Domain Name incorporates the Complainant's trademark in its entirety, along with the terms "espace client", potentially conveying to unsuspecting Internet users the false belief that any website connected to the Disputed Domain Name is associated with the Complainant's customer service department. Such a risk of implied affiliation cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered years after the Complainant first registered and used its AXA marks. The evidence provided by the Complainant with respect to the extent of use and global fame of its AXA marks combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's widely-known AXA marks, and knew it had no rights or legitimate interests in the Disputed Domain Name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus descriptive terms such as "espace client") to a famous or widely-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](#).

The Panel finds that the only plausible basis for registering and passively holding the Disputed Domain Name is for illegitimate and bad faith purposes. In view of section 3.3 of the [WIPO Overview 3.0](#), given the above considerations and the Respondent's details having been masked (either with GDPR or privacy service), the totality of the circumstances support a finding of bad faith, regardless of the current inactive state of the Disputed Domain Name.

Accordingly, the Panel finds that 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 <axa-espaceclient.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: April 28, 2023