

## **ADMINISTRATIVE PANEL DECISION**

**Macif SGAM v. Departement Finance - AEMA, AEMA Finance**  
**Case No. D2023-2603**

### **1. The Parties**

The Complainant is Macif SGAM, France, represented by IP Twins, France.

The Respondent is Departement Finance - AEMA, AEMA Finance, United States of America.

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

The disputed domain name <aemagroupe.net> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2023. On June 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Contact Privacy Inc. Customer 0167418537) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 amended Complaint on June 21, 2023.

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”).

On June 21, 2023, the Respondent sent an informal communication to the Center.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Parties on July 18, 2023 that it would proceed to the panel appointment.

The Center appointed Alan L. Limbury as the sole panelist in this matter on July 20, 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 a mutual French insurance company founded in 1960. AEMA Groupe was created in 2021 by the Complainant and other insurance companies. The Complainant is the registrant of two French figurative trademarks "AÉMA GROUPE" designating services in international classes 35, 36, 38, 39, 41, 42, 43, 44, and 45, namely No. 4661460, registered on January 8, 2021, and No. 4690131, registered on February 11, 2022. The Complainant registered the domain name <aemagroupe.fr> on July 5, 2020.

The disputed domain name was registered on May 30, 2023. Although it does not resolve to an active web page, the email function has been enabled.

#### 5. Parties' Contentions

##### A. Complainant

The disputed domain name is identical to the Complainant's well-known trademarks, which are recognizable within the disputed domain name. The Respondent has no rights or legitimate interests in respect of the disputed domain name, which was registered and is being used in bad faith.

As to legitimacy, the Respondent has acquired no trademark which could have granted the Respondent any such rights. There is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization. The Complainant has not authorized the use of its trademarks or terms similar thereto in the disputed domain name in any manner or form. The Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a *bona fide* offering of goods or services and there is no evidence that the Respondent has been making a legitimate noncommercial or fair use of the disputed domain name, which resolves to a blank web page. The Respondent has used the disputed domain name to send emails to the Complainant's customers, impersonating the Complainant's brand AÉMA GROUPE, and impersonating senior staff of Aema Groupe. The emails offer financial placements, which are fraudulent. The identified emails contained a fake subscription form.

As to bad faith, the Respondent registered the disputed domain name with actual knowledge of the Complainant's marks and is using it in the hope and expectation that Internet users searching for the Complainant's services and products would instead come across the Respondent's disputed domain name. By simply maintaining the disputed domain name, the Respondent is preventing the Complainant from reflecting its trademark in the corresponding domain name. Further, the Respondent has been using the disputed domain name to create a largescale insurance fraud scheme, targeting the Complainant's customers.

##### B. Respondent

The Respondent did not formally reply to the Complainant's contentions, apart from sending an informal email on June 21, 2023 stating the following: "Hi I am not using any trademark or any name that is related to AEMA france."

#### 6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

- (iii) that the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See [WIPO Overview 3.0](#) at section 4.3.

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

The Complainant has shown that it has rights in the French registered figurative trademarks "AÉMA GROUPE", No. 4661460, registered on January 8, 2021, and No. 4690131, registered on February 11, 2022. The Panel finds the disputed domain name to be identical to the Complainant's mark AÉMA GROUPE since it incorporates the mark, saving for the accent on "E", in its entirety. The inconsequential Top-Level Domain ".net" may be ignored.

The Complainant has established this element.

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

Paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in the disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, *i.e.*

- (i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The disputed domain name was registered on May 30, 2023, some two years after the Complainant registered its AÉMA GROUPE marks. The disputed domain name does not resolve to an active website but has been used for an email communication dated June 7, 2023, purporting to emanate from the Complainant's Director General of Finance and Risks. The email prominently featured the Complainant's mark No. 4690131 in its figurative form. It contained what purported to be an investment proposal from the Complainant and a subscription form seeking personal and financial information from the recipient.

These circumstances, together with the Complainant's assertions, are sufficient to constitute a *prima facie* showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so. The Respondent's June 21, 2023 email does not provide any defense as to the Complainant's *prima facie* case.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant has established this element.

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

The four illustrative circumstances set out in paragraph 4(b) of the Policy as evidence of the registration and use of a domain name in bad faith for the purposes of paragraph 4(a)(iii) are not exclusive. The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's AÉMA GROUPE marks when the Respondent registered the disputed domain name and did so in order to mislead unsuspecting Internet users. Accordingly, the Panel finds that the disputed domain name was registered in bad faith. As to use, the Panel notes that, although the disputed domain name has not resolved to an active website since its registration, it has been used by the Respondent in bad faith to send an email purporting to be from the Complainant, seeking personal and financial information, a classic case of "phishing".

The Complainant has established this element.

### **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 <aemagroupe.net> be transferred to the Complainant.

*/Alan L. Limbury/*

**Alan L. Limbury**

Sole Panelist

Date: August 1, 2023