

ADMINISTRATIVE PANEL DECISION

Maaf Assurances v. Host Master, 1337 Services LLC
Case No. D2023-2985

1. The Parties

The Complainant is Maaf Assurances, France, represented by Laurent & Charras, France.

The Respondent is Host Master, 1337 Services LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <maaf-auto.com> (the “Disputed Domain Name”) is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 13, 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 (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 19, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 10, 2023.

The Center appointed Mariia Koval as the sole panelist in this matter on August 16, 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, founded in 1950, is a French mutual insurance company and a part of the mutual group Covéa, a French leader in car and home insurance. With 506 points of sale the Complainant has over 3.8 million customers in France and employs almost 6 000 people. Today the Complainant offers global insurance solutions for auto, home, professional risks but also health, providence, life insurance, as well high value-added services: assistance and loans.

The Complainant has provided evidence that it is the registered owner of numerous MAAF trademarks (the “MAAF Trademark”) around the world, among which are:

- European Union Trademark Registration No. 000330852, registered on August 16, 2000, in respect of goods and services in classes 16, 35, 36 and 42;
- United Kingdom Trademark Registration No. UK00900330852, registered on August 16, 2000, in respect of goods and services in classes 16, 35, 36 and 42.

The Complainant also owns and operates a domain name <maaf.fr> incorporating the MAAF Trademark, at which Internet users can find detailed information about the insurance offered by the Complainant and its network. The Complainant also actively operates pages on various social media platforms, in particular Facebook, X and YouTube.

The Disputed Domain Name was registered on August 11, 2022. As at the date of this Decision, the Disputed Domain Name resolves to an inactive website. However, according to the evidence presented by the Complainant (Annexes 2 and 5 to the Complaint), at the date the Complaint was filed the Disputed Domain Name resolved to a website with information regarding the cars purchasing and redirected to another website “www.caradisiac.com” specialized in insurance, loans and sale of automobiles.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the Disputed Domain Name is confusingly similar to the Complainant’s MAAF Trademark. The Disputed Domain Name reproduces the Complainant’s MAAF Trademark in its entirety; the fact that the Disputed Domain Name contains the term “auto”, linked to MAAF Trademark with a hyphen, does not minimize the likelihood of confusion with the prior rights of the Complainant, the term “auto” being devoid of any distinctive character. In addition, the Disputed Domain Name reproduces also the dominant and distinctive element of the Complainant’s company name, which can only lead to further confusion.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Disputed Domain Name resolved to a webpage on which the logo of “NANTES PRESTIGE AUTOS” appeared, without any active links in the menu. The webpage also redirected to website “www.caradisiac.com” specializing in insurance, loans and sale of automobiles. This information proves that the Respondent used the logo “NANTES PRESTIGE AUTOS” to direct the consumers to the website and that the Disputed Domain Name was not used in connection with any goods and/or services rendered under the MAAF trademark or under a related Company. Furthermore, “notice for purchase” at website “www.caradisiac.com” clearly showed that the only purpose of the reservation of the Disputed Domain Name was to mislead the consumers by thinking that they will be directed to a webpage related to MAAF ASSURANCES and to finally direct them to the website which does not correspond to a legitimate interest.

The Complainant further claims that the Respondent has registered and is using the Disputed Domain Name in bad faith in view of the following:

- the Complainant owns prior MAAF Trademark rights before the Disputed Domain Name having been registered in 2022;

- the Complainant, initiating this proceedings, couldn't contact the Respondent by the phone numbers mentioned on the webpage. Therefore, there is no real evidence regarding the actual existence of the Respondent or of his activity, keeping in mind that the Respondent aimed to keep his identity secret by not even indicating to the Registrar a real physical person's identity;
- the Complainant is a well-known company in the field of insurance in France since 1950 and its MAAF Trademark benefits from a high reputation. The Complainant uses its MAAF Trademark for more than 70 years;
- the Respondent used the logo of the Complainant which is protected by trademark rights and copyright.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, in order for the complainant to succeed it must satisfy the panel 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.

A. Identical or Confusingly Similar

The Complainant has properly asserted its rights in the MAAF Trademark due to the long use and number of registrations. The Panel notes that the registration of the Complainant's MAAF Trademark significantly predates the registration of the Disputed Domain Name.

The Disputed Domain Name completely reproduces the Complainant's MAAF Trademark in combination with dictionary word "auto", hyphen and the generic Top-Level domain ("gTLD") ".com". According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Here, the addition of the word "auto" to the Complainant's MAAF Trademark does not prevent a finding of confusing similarity.

According to the [WIPO Overview 3.0](#), section 1.11, the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Pursuant to section 1.7 of the [WIPO Overview 3.0](#), in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Furthermore, the use of hyphen in the Disputed Domain Name is irrelevant in a finding of confusing similarity, see e.g. *Royale Indian Rail Tours Limited v. Divino Indian Memoirz Tours Pvt. Ltd.*, WIPO Case No. [D2010-2107](#) ("In the present case, the Panel finds that... adding a hyphen between the two words "maharaja" and "express" in the disputed domain name are insignificant modifications that do not reduce the confusing similarity between the disputed domain name and the Complainant's mark").

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's MAAF Trademark pursuant to paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

In the Panel's opinion, the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. There is no evidence that the Complainant has licensed or otherwise permitted the Respondent to use its MAAF Trademark or to register the Disputed Domain Name incorporating the MAAF Trademark. The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the MAAF Trademark of the Complainant.

Based on the evidence provided by the Complainant (Annexes 2 and 5 to the Complaint), the Disputed Domain Name previously resolved to the website with information in respect of purchasing of cars and redirected to another website "www.caradisiac.com" specialized in insurance, loans and sale of automobiles. Moreover, the website under the Disputed Domain Name contained a notice "URGENT Achat voiture Caradisiac - Maaf Assurance" (in English translation "Urgent purchase of Caradisiac cars – Maaf Assurance"). Furthermore, the website contained the Complainant's logo without the Complainant's authorization. Such use of the Disputed Domain Name obviously strengthens the false impression of an affiliation with the Complainant, that convinces the Panel to believe the Respondent registered the Disputed Domain Name with good awareness of the Complainant and with the sole intention of commercial gain by creating a likelihood of confusion with the Complainant's MAAF Trademark. In addition, the website under the Disputed Domain Name did not disclose the relationship between the Respondent and the Complainant as the holder of the MAAF Trademark, in particular as there has never been any business relationship between the Complainant and the Respondent. The Respondent is also not commonly known by the Disputed Domain Name, nor has it acquired any trademark rights. Therefore, the Panel does not consider such use a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, in accordance with the [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term (at the second or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The addition of the word "auto", which is commonly used short form for "automobile" or "automotive", which both are related to the one of the major objects of the Complainant's insurance services, to the Complainant's MAAF Trademark in the Disputed Domain Name, is further evidence, that the Respondent was very well aware of the Complainant's MAAF Trademark and business at the time of registration of the Disputed Domain Name and has done so for the only purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's MAAF Trademark.

The Respondent did not file any response to the Complaint and did not participate in this proceeding, respectively, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent lacks rights or legitimate interests in the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The MAAF Trademark has been in use more than 70 years before the Disputed Domain Name was registered and the Complainant has actively used and promoted its MAAF Trademark all these years. Furthermore, the Complainant's MAAF Trademark is original and highly distinctive, and it is obvious that the Respondent could not have registered the Disputed Domain Name, which incorporates the Complainant's MAAF Trademark in its entirety, accidentally. Therefore, the Panel is of opinion that the Respondent was likely well aware of the Complainant's MAAF Trademark when it registered the Disputed Domain Name and obviously chose to register the Disputed Domain Name with the only intention to benefit from the Complainant's reputation.

The Disputed Domain Name incorporates the Complainant's MAAF Trademark in its entirety that creates a strong likelihood of confusion with the Complainant's MAAF Trademark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name. The Panel also concludes that addition of the term "auto" to the MAAF Trademark does not change an impression of strong association of the Disputed Domain Name with the Complainant's MAAF Trademark, but on the contrary, taking into consideration that the one of the Complainant's core business is to insure automobiles, even strengthens such association.

In addition, according to section 3.1.4 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is confusingly similar to the Complainant's MAAF Trademark, primarily intended to disrupt the Complainant's business and reputation. In view of the absence of any evidence to the contrary and that the Respondent did not file any statement, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

Moreover, the Respondent's knowledge of the Complainant's MAAF Trademark is also supported by the use of the Disputed Domain Name which resolved to the website containing the information on cars purchasing, as well as the Complainant's logo, and which redirected to another website containing information on insurance, loans and sale of automobiles. It should also be noted that the website under the Disputed Domain Name contained no information about the Respondent's relation to the Complainant (or lack thereof). As a result, the Panel finds that the Respondent had the Complainant's MAAF Trademark in mind and intentionally targeted the Complainant when it registered the Disputed Domain Name. Accordingly, the Panel concludes that the Respondent registered and used the Disputed Domain Name in bad faith to create a likelihood of confusion with the Complainant's MAAF Trademark. Accessing the Disputed Domain Name, the Internet users would most likely consider that it is related to or associated with the Complainant and the Complainant's insurance business.

Finally, the Respondent, not participating in these proceedings, has failed to indicate any facts and/or evidence, which would show a good faith registration and use of the Disputed Domain Name. Moreover, the Respondent masked its identity in the publicly-available Whois via the use of a privacy service, which, under the circumstances of this proceeding, is a further indication of bad faith.

In accordance with section 3.6. of the [WIPO Overview 3.0](#), there are recognized legitimate uses of privacy and proxy registration services; the circumstances in which such services are used, including whether the respondent is operating a commercial and trademark-abusive website, can however impact a panel's assessment of bad faith. The Panel considers that, taking into account all circumstances of this case, the Panel considers that the Respondent's use of privacy service constitutes further evidence of bad faith registration and use of the Disputed Domain Name.

In view of the foregoing, the Panel finds that the paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant.

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, <maaf-auto.com> be transferred to the Complainant.

//Mariia Koval/

Mariia Koval

Sole Panelist

Date: August 30, 2023