

## **ADMINISTRATIVE PANEL DECISION**

Amundi Asset Management v. Dia Minh  
Case No. D2024-0175

### **1. The Parties**

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

The Respondent is Dia Minh, United States of America.

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

The disputed domain names <amnudi-situs-1.com> and <amnudi-situs-2.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2024. On January 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 17, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 January 24, 2024, 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 January 24, 2024.

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 January 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 29, 2024.

The Center appointed Zoltán Takács as the sole panelist in this matter on March 11, 2024. 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 French asset management company with offices in Europe, Asia-Pacific, the Middle East, and the Americas.

With over 100 million retail, institutional and corporate clients the Complainant ranks among the biggest investment managers in the world.

In 2016 the Complainant launched the “Amundi Services”, which it renamed “Amundi Technology” in March of 2021. This division of the Complainant offers services to other asset management companies as well as institutional investors.

The Complainant is owner of the International Trademark Registration No. 1024160 for the word mark AMUNDI, registered since September 24, 2009, for various financial services.

The Complainant owns the domain name <amundi.com> which was registered on August 26, 2004, and resolves to its corporate website.

The Complainant also owns the domain name <amunditechnology.com> which was registered on December 15, 2020, and resolves to the website of its Amundi Technology business unit.

The disputed domain names were registered on January 13, 2024, and have resolved to an Indonesian language copycat version of the Complainant’s “www.amunditechnology.com” website.

Currently the disputed domain names do not resolve to active websites.

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that:

- the disputed domain names are confusingly similar to its AMUNDI trademark since inversion of the letters “u” and “n” in the mark and addition of the term “situs” (meaning site in Indonesian) and the numbers “1” and “2” is not sufficient to distinguish the disputed domain names from the trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- the Respondent’s use of the disputed domain names to point to a website copying the Complainant’s official website is evidence that the Respondent registered the disputed domain names with the Complainant’s AMUNDI trademark in mind and with intent to deceive consumers into believing that the websites are operated by or at least affiliated with the Complainant.

The Complainant requests that the disputed domain names be transferred from the Respondent to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Matter – Multiple Domain Names**

The Complaint was filed regarding two domain names.

The Panel notes that paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name provided that the domain names are registered by the same domain name holder.

Since the disputed domain names were registered by the same Respondent, the Panel finds that this requirement is fulfilled.

### **6.2 Substantive Matters – Three Elements**

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the domain names are identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain names; and
- (iii) the domain names have been registered and are being used in bad faith.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. The difference between the Complainant's AMUNDI mark and the disputed domain names is the switching of the letters "u" and "n" of the mark and the addition of the term "situs" (meaning "site" in Indonesian) and the numbers "1" and "2" to the mark which does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for the purpose of the first element. [WIPO Overview 3.0](#), section 1.9.

Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The evidence on record indicates that the Respondent has attempted to impersonate the Complainant since the disputed domain names were at the time of filing of the Complaint pointing to an Indonesian language website nearly identical to the Complainant’s official website which displayed the Complainant’s trademark and a false copyright notice alleged to be of the Complainant’s.

Panels have held that the use of a domain name for illegal activity, here impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the disputed domain names are typo-variants of the Complainant’s AMUNDI trademark and clear-cut cases of typosquatting registrations, which is evidence of bad faith (see e.g., *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#)).

The Panel also notes that the Respondent used the disputed domain names to point to websites that copied the Complainant’s official website, displayed its mark and false copyright notice alleged to be that of the Complainant. Therefore, the Respondent obviously had actual knowledge of the Complainant’s business and trademark at the time of registration of the disputed domain names and had registered them in order to target the Complainant and its trademark which constitutes bad faith. Paragraph 4(b)(iv) of the Policy.

The Respondent’s hosting of a copycat version of the Complainant’s official website at the disputed domain names is in view of the Panel further evidence of bad faith registration and use. [WIPO Overview 3.0](#), section 3.4.

The fact that at the time of rendering of this administrative decision the disputed domain names did not resolve to active websites does not prevent a finding of bad faith when considering the totality of the circumstances. [WIPO Overview 3.0](#), section 3.3.

Given the typosquatting nature of the disputed domain names, and the disputed domain names' initial use for the presumed commercial advantage of the Respondent through misdirection of Internet users to its copycat version of the Complainant's official website, the Panel finds that the current passive holding of the disputed domain names does not prevent a finding of bad faith.

The Panel finds that the Complainant has established the third element 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 names <amnudi-situs-1.com> and <amnudi-situs-2.com> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: March 25, 2024