

ADMINISTRATIVE PANEL DECISION

AXA SA v. gaojin
Case No. D2024-0184

1. The Parties

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

Respondent is gaojin, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <axa-shop.vip> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2024. On January 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, 2024, 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 Complainant on January 26, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 29, 2024.

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 Respondent of the Complaint, and the proceedings commenced on February 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 1, 2024.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on March 7, 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

Complainant, AXA SA, is a French insurance company. Complainant is a provider of property and casualty insurance, life insurance, savings retirement products, personal protection and healthcare products and asset management services. Complainant owns and uses the mark AXA and owns a number of trademark registrations for AXA as a word mark or as part of a logo. These include two International Registrations with extensions to numerous countries (Registration Nos. 490030 and 1519781), and two European Union registrations (Registration Nos. 373894 and 8772766). These registrations were all issued between 1984 and 2020. Complainant also owns and uses the domain names <axa.com> and <axa.fr> to provide information concerning Complainant and its products and services.

Respondent appears to be based in Hong Kong. Respondent registered the disputed domain name on May 17, 2023. The disputed domain name seemingly has not been used for an active website or page, and currently resolves to a page with the legend "HTTP Status: 404 (not found)."

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that the AXA mark is well-known and has been in use since 1985. In that regard Complainant has provided evidence regarding the notoriety of the AXA mark, including a brand ranking from Interbrand showing that AXA was listed as the 43rd Best Global Brand in 2023.

Complainant maintains that the disputed domain name is confusingly similar to Complainant's distinctive AXA mark as it prominently consists of the AXA mark with the non-distinctive term "shop."

Complainant contends that Respondent has no rights or legitimate interest in the disputed domain name as Respondent (i) has never been licensed or authorized by Complainant to use the AXA mark or to register a domain name including the AXA mark, (ii) is not commonly known by the disputed domain name, and (iii) has not made any bona fide use of the disputed domain name and has merely passively held the disputed domain name since registering it in May 2023.

Lastly, Complainant argues that Respondent has registered and passively held the disputed domain name which is based on Complainant's well-known AXA mark since May 2023.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

- (ii) 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

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 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.

Complainant has shown rights in its AXA mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Here, the entirety of Complainant's AXA mark is reproduced within the disputed domain name. The addition of the term "shop" does not prevent a finding of confusing similarity between the disputed domain name and the mark for purposes of the Policy as the AXA mark is clearly recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8. Consequently, as the disputed domain name is confusingly similar to Complainant's AXA mark for 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 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Here, the evidence shows that Respondent has seemingly made no use of the disputed domain name since registering it on May 17, 2023. Moreover, given the notoriety of Complainant's AXA mark, which Complainant has detailed with much evidence, and the fact that Respondent as seen from the Whois record of the disputed domain name is not known by the AXA name and mark, it is more likely than not that Respondent, who has failed to appear in this proceeding to explain his actions, had no legitimate purpose in registering the disputed domain name and did so solely for the benefit of Respondent and at the expense of Complainant. Such actions (and inaction) underscore the fact that Respondent has no legitimate rights in the disputed domain name.

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 Respondent, who has no rights in the AXA mark and is not commonly known by the AXA name or mark, registered the disputed domain name in May 2023 and has essentially sat on the disputed domain name since that time. While it is not altogether clear what Respondent's purpose for registering the disputed domain name might be, such as whether the disputed domain name is being used for a nefarious purpose, the evidence before the Panel shows that Respondent targeted Complainant and its AXA mark. The disputed domain name is clearly based on Complainant's well-known AXA mark and is likely to be seen by unsuspecting consumers as being linked to Complainant. The addition of the term "shop" with the gTLD <.vip> after the AXA mark suggests, or could be seen as, some sort of AXA related shopping experience for perhaps premium customers (such as a rewards type program offered by Complainant).

In any case, as Respondent has no rights in the AXA mark, which has been in use since 1985, it is inconceivable that Respondent, who has not appeared in the proceeding, registered the disputed domain name for anything other than to opportunistically take advantage of Complainant's rights in the AXA mark in bad faith. [WIPO Overview 3.0](#), section 3.3

The Panel finds that 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 name <axa-shop.vip> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: March 19, 2024