

ADMINISTRATIVE PANEL DECISION

AXA SA v. riki Sijmantuk
Case No. D2024-0989

1. The Parties

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

The Respondent is riki Sijmantuk, France.

2. The disputed domain name and Registrar

The disputed domain name <axabanquegestion.info> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2024. On March 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 amendment to the Complaint on March 12, 2024.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform disputed domain name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform disputed domain name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform disputed 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 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 5, 2024.

The Center appointed Elise Dufour as the sole panelist in this matter on April 10, 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 AXA SA is the holding company of the AXA group, a French company with a history dating back to the 18th century. The Complainant is one of the world leaders in insurance, savings, and asset management, employing 110 447 people worldwide and serving 93 million customers.

The Complainant owns several trademark registrations, including the following:

- International trademark AXA, No. 490030 registered on December 5, 1984, duly renewed for services in classes 35, 36 and 39.
- International trademark AXA (+design), No. 1519781 registered on July 17, 2020, duly renewed for services in classes 35, 36, 37, 39, 44 and 45.
- European trademark AXA (+design), No. 373894 registered on July 29, 1998, and duly renewed for services in classes 35 and 36.
- French trademark AXA, No. 1270658 registered on October 12, 1984, and duly renewed for services in classes 35, 36 and 42.

In addition to the trademarks previously cited, the Complainant owns numerous domain names that contain the trademark AXA, notably the following ones:

- <axa.com> registered on October 23, 1995.
- <axa.fr> registered on May 20, 1996.
- <axa.net> registered on November 2, 1997.
- <axa.info> registered on July 30, 2001.

The disputed domain name is <axabanquegestion.info>. It was registered on May 29, 2023.

According to the evidence that was submitted by the Complainant, the disputed domain name resolves to a parking page, hosting sponsored pay-per-click (PPC) links presenting services in competition with the Complainant's activity such as risk management and investment booklet.

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 name.

(i) The Complainant claims that the disputed domain name is confusingly similar to its trademarks, since the disputed domain name reproduces its AXA trademarks, which has no particular meaning and is distinctive. The Complainant also claims that the addition of the terms "banque" which means "bank" and "gestion" which means "management" to the disputed domain name, terms that are commonly used in the Complainant's business field, causes a risk of confusion that may lead Internet users to believe that the disputed domain name is one of the Complainant's websites.

(ii) The Complainant asserts that the Respondent has no rights or legitimate interests in respect to the disputed domain name since the Parties have no relationship and the Complainant has not permitted the

Respondent to use its trademarks. Furthermore, the Complainant claims that, by using the disputed domain as a parking site, the Respondent was not making a legitimate non-commercial or fair use of it.

(iii) The Complainant alleges that the disputed domain name was registered and used in bad faith by the Respondent. According to the Complainant, the incorporation of the whole AXA trademarks in the disputed domain name proves the Respondent's bad faith because of the reputation and distinctiveness of the Complainant's trademarks. In addition, for the Complainant the fact that the Respondent chose to register the disputed domain name via a privacy proxy registration service demonstrates registration in bad faith. The Complainant further asserts that the use that was made of the disputed domain name, as a parking page hosting commercial links for similar services, is evidence that it was used in bad faith. Finally, the Respondent never replied to any of the Complainant's letters of formal notice sent on June 8, 16 and 26, 2023.

B. Respondent

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

6. Discussion and Findings

In the absence of a formal Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely 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.

The Panel will further analyze the potential concurrence of the above circumstances.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms "banque" and "gestion" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 name. 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 name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4; and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The Respondent’s use of the disputed domain for a parking page with pay-per-click links related to the Complainant’s activity does not amount to use for a bona fide offering of goods and services.

Based on the available record, 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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The disputed domain name, which wholly incorporates the well-known AXA trademark, resolves to a page offering pay-per-click links for which the Respondent most likely would receive some commercial gain.

In these circumstances where the Respondent has offered no plausible explanation for the registration of the disputed domain name, the Panel finds that the Respondent was most likely aware of the Complainant at the time of registration and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the AXA trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

For the reasons set out above, the Panel concludes that the disputed domain name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

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

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 <axabanquegestion.info> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: April 24, 2024