

## ADMINISTRATIVE PANEL DECISION

AXA SA v. Ms. Isabelle Daros

Case No. D2024-0991

### 1. The Parties

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

The Respondent is Ms. Isabelle Daros, France.

### 2. The Domain Name and Registrar

The disputed domain name <axagroupes.com> is registered with IONOS SE (the “Registrar”).

### 3. Procedural History

The Complaint was filed in French 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 7, 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 in French and English 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.

On March 11, 2024, the Center informed the parties in English and French, that the language of the registration agreement for the disputed domain name is English. On the same date, the Complainant submitted the amended Complaint translated into English. On March 11, 2024, the Respondent sent an informal email communication in French to the Center, indicating that they no longer use this address or this service.

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 in English, and the proceedings commenced on March 20, 2024. In accordance with the Rules,

paragraph 5, the due date for Response was April 9, 2024. On April 10, 2024, the Center informed the Parties that it would proceed to panel appointment. On the same date, the Respondent sent another informal email communication in French to the Center, indicating that the account has been deleted and the disputed domain name is no longer used.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on April 26, 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 AXA Group has a long-standing history, with roots going back to the 18th century. Following several mergers, acquisitions, and name changes involving some of the world's largest insurance companies, the trade name AXA was introduced in 1985. Since 1988, AXA has been traded on the Paris Stock Exchange, and in 1996 it became listed on the New York Stock Exchange. That same year, AXA merged with UAP, becoming the number one insurer in France while continuing to expand its presence in Europe.

In 2018, AXA acquired the XL Group and became one of the world's leading commercial property and casualty insurer. Employing over 110,000 people worldwide and serving 93 million customers, AXA is recognized globally for its activities in three primary business lines: property and casualty insurance, life insurance and savings, and asset management.

AXA SA is the holding company of the AXA Group and is famous for its reputation worldwide. The AXA brand was considered the leading global insurance brand for nine consecutive years until 2017. In 2022, AXA was ranked 43rd among the 100 best global brands by Interbrand, with the brand valued at over USD 15.7 billion.

AXA SA holds several international and national trademark registrations for AXA, including:

- International Trademark AXA No.°490030 filed and registered on December 5, 1984 in Classes 35, 36 and 39, in particular for “advertising and business. Insurance and financial services”, duly renewed and designating inter alia Algeria, Austria, Croatia, Egypt, Spain, Hungary, Italia, Morocco, Monaco, Portugal, , Romania, the Russian Federation, Sudan, Ukraine, Vietnam, Yugoslavia, Benelux and Switzerland;
- European Union trademark AXA (+design) No. °000373894 filed on August 28, 1996, registered on July 29, 1998, in Classes 35 and 36, in particular for “financial, monetary affairs; fund investments; financial evaluations and appraisals, financial investment consultancy, financial analysis; management of portfolios, financial investments; financing services; investment and mutual capital; banking; debt collection” and duly renewed;
- European Union trademark AXA No°008772766 filed on December 21, 2009, registered on September 7, 2012, in Classes 35 and 36 in particular for the following services: “Insurance and finance; banking services” and duly renewed;
- French trademark AXA No.°1270658 filed on January 10, 1984, registered on October 12, 1984, in Classes 35, 36 and 42, in particular for “insurance and finance” and duly renewed

In addition, the AXA Group owns domain names incorporating the AXA trademark, including <axa.com>, registered on October 23, 1995, and <axa.fr>, registered on May 20, 1996.

The disputed domain name was registered on May 3, 2023 and resolves to an inactive website.

## 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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its well-known AXA trademark. The addition of "groupes," a generic French term meaning "groups," does not distinguish the domain name and instead enhances confusion.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. AXA SA has not authorized the Respondent to use its trademarks, and the Respondent is not using the domain name for any legitimate noncommercial or fair use purpose.

The Complainant alleges that the Respondent was clearly aware of the AXA trademark at the time of registration due to its international reputation. The disputed domain name resolves to an inactive page (passive holding), and passive holding can constitute use in bad faith when combined with other factors like the fame of the trademark and the Respondent's failure to respond to cease-and-desist letters.

### B. Respondent

The Respondent did not reply to the Complainant's contentions. However, the Respondent sent an informal email communication in French to the Center on March 11, and April 10, 2024, indicating that they no longer use this address, or this service and the account has been deleted, so the disputed domain name is no longer used.

## 6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable".

The UDRP provides, at paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- I. The Respondent's 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 domain name; and
- III. The Respondent's domain name has been 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 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.

The Panel finds the mark is recognizable 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

Although the addition of the French term “groupes” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Indeed, the disputed domain name is inactive. Therefore, there is no evidence of any use of, or preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor of any legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent’s failure as it considers appropriate in accordance with paragraph 14 of the Rules.

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 Respondent reproduced the Complainant’s trademark AXA in its entirety, with the mere addition of the French word “groupes”. The confusing similarity in this choice demonstrates that the Respondent was fully aware of the fact that the disputed domain name incorporated a well-recognized trademark.

Therefore, the Panel is of the opinion that the Respondent registered the disputed domain name in bad faith.

Regarding the use in bad faith of the disputed domain name, the Respondent's failure to respond to the Complainant's cease-and-desist letters further supports bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 name, <axagroupes.com>, be transferred to the Complainant.

*/Nathalie Dreyfus/*

**Nathalie Dreyfus**

Sole Panelist

Date: May 10, 2024