

## **ADMINISTRATIVE PANEL DECISION**

GIE AG2R v. [Details Not Provided by Registrant]  
Case No. D2024-2509

### **1. The Parties**

The Complainant is GIE AG2R, France, represented by Scan Avocats AARPI, France.

The Respondent is [Details Not Provided by Registrant], France.

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

The disputed domain name <ag2r-groupe.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2024. On June 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 2024, the Registrar transmitted by email to the Center its verification response providing no registrant or organization name in the registration of the disputed domain name) but providing contact information. The Center sent an email communication to the Complainant on June 21, 2024, providing the registrant’s contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 21, 2024.

On June 24 and 28, 2024, the Respondent sent communications to the Center. The Complainant replied to it on June 25 and on June 28, filed an amended Complaint.

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 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 21, 2024. The Respondent did not submit any formal response. The Respondent sent a communication on July 3, 2024, offering to settle. The Complainant requested the suspension of the proceedings which were suspended from July 9 to August 9, 2024. On August 8, 2024,


the Complainant informed the Center that no answer has been received from the Respondent and requested for the reinstatement of the proceedings. On August 9, 2024, the Center notified to the Parties and the Registrar that the proceedings were reinstated and that the due date for Response was August 22, 2024. The Respondent did not submit any formal response. Accordingly, on August 22, 2024, the Center notified the Parties of the Commencement of Panel Appointment Process.


The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on September 9, 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 Economic Interest Group which is one of the leading social protection groups in the insurance of persons and their property in France. The Complainant represents the members of the Group AG2R LA MONDIALE in their economic life and acts on their behalf. It also has the possibility to represent them in court.

The Complainant is the owner of two French trademarks (the “AG2R LA MONDIALE” Trademarks):

- the French trademark  No. 4580597, registered on September 10, 2019, for services in classes 35, 36, 41 and 45;

- the French trademark  No. 4580599, registered on September 10, 2019, for services in classes 35, 36, 41 and 45.

The Complainant is also the owner of several domain names, such as <ag2rlamondiale.fr>, <ag2rlamondiale.org> or < ag2rlamondiale.net> registered on February 27, 2007.

The disputed domain name was registered on May 30, 2024. The Respondent did not complete its account details with its name and only provided an email address when creating the account with the Registrar. However, the Respondent indicated an address in France. The disputed domain name resolves to a parking page displaying Pay-Per-Click (“PPC”) links related to the Complainant’s activity.

#### 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 the AG2R LA MONDIALE Trademarks. The Complainant asserts that it reproduces almost identically its prior trademarks by using the distinctive part of them. Thus, the sole absence of “LA MONDIALE” composing the AG2R LA MONDIALE Trademarks and its replacement by the word “groupe” in the disputed domain name does not grant self-distinctiveness to this disputed domain name and is insufficient to prevent it from being confusingly similar to these prior trademarks, especially since the word “groupe” directly refers to the Group AG2R LA MONDIALE. Furthermore, the Complainant contends that the addition of the suffix “.com” does not change the overall impression of the designation as being connected to the AG2R LA MONDIALE Trademarks.

Then, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that to the Complainant’s best knowledge, the Respondent is not currently and has never been known under the name “AG2R LA MONDIALE”. The

Complainant ascertains that the Respondent is not in any way related to its business and does not carry out any activity for or has any business with it. In particular, the Respondent has not been licensed, contracted or otherwise permitted by the Complainant in any way to use the prior AG2R LA MONDIALE Trademarks or to register any domain name incorporating these prior trademarks. The Complainant notably conducted a trademark search on the WIPO trademark database over “AG2R GROUPE” and noticed that the Respondent has never filed any trademark identical or similar to its own rights. The Complainant contends that the explanation of the Respondent who argues that “AG2R” is the acronym for “Arnaud” “Gerard” “two brothers” and “Rossi”, is clearly whimsical and has no other aim than the intention to register the disputed domain name to sell it back to the Complainant for a price in excess of typical out-of-pocket costs of registering a domain name.

Finally, the Complainant stands that the disputed domain name was registered and is being used in bad faith. The Complainant highlights its strong reputation in France, in the field of insurance of persons and their property. Therefore, the Complainant considers that it is highly likely that the Respondent knew of the existence of the Complainant’s prior intellectual property rights at the time the disputed domain name was registered. The Complainant indicates that the expression “AG2R” is not a common expression in French or English. Finally, the Complainant submits that the disputed domain name is used in bad faith since it resolves to a parking page displaying several PPC links directly related to the Complainant’s activity.

## **B. Respondent**

The Respondent did not formally reply to the Complainant’s contentions.

However, the Respondent sent informal communications on June 24 and 28, 2024, notably:

“i can transfert you the domaine  
of course we dont want any intercation we boat this name for the compagni  
A FOR ARNAUD g FOR GERALD 2 FOR TWO BROTHER AND r FOR ROSSI

PLEASE LET US KNOW HOW TO PROCEDE AND TELL US HOW MUCH TREY ARE READY TO PAYE  
FOR THE DOMAIME NAME”.

## **6. Discussion and Findings**

### **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 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.

Indeed, the disputed domain name consists of the dominant part of the AG2R LA MONDIALE Trademarks, i.e., AG2R, and the sole absence of “LA MONDIALE” is insufficient to prevent it from being confusingly similar to the Complainant’s prior trademarks.

Although the addition of other terms here, “groupe” 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, it appears that the Respondent has not received any authorization to use the AG2R LA MONDIALE Trademarks in any manner, including for the registration of domain names, and that the Respondent is not in any way related to the Complainant’s business, and does not carry out any activity for or has any business with it.

Moreover, it appears from the use of the disputed domain name, which resolves to a parking page displaying PPC links related to the Complainant’s activity, that the Respondent is not using or has not prepared to use the disputed domain name with a bona fide offering of goods or services, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. [WIPO Overview 3.0](#), section 2.9. There is also no evidence on record showing that the Respondent is commonly known by the disputed domain name.

Regarding the explanation given by email by the Respondent who argues that “AG2R” is the acronym for “Arnaud” “Gerard” “two brothers” and “Ross”, the Panel considers that the argument is not convincing and that there is no evidence to support it.

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 has registered the disputed domain name well after the registration of the AG2R LA MONDIALE Trademarks by the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that by using the disputed domain name that resolves to a website displaying PPC links related to the Complainant's activity, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites or other online location by creating a likelihood of confusion with the Complainant's mark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of 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 <ag2r-groupe.com> be transferred to the Complainant.

*/Christiane Féral-Schuhl/*

**Christiane Féral-Schuhl**

Sole Panelist

Date: September 20, 2024