

## **ADMINISTRATIVE PANEL DECISION**

Amundi Asset Management v. Vladimir Wolf  
Case No. D2024-2632

### **1. The Parties**

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

The Respondent is Vladimir Wolf, Russian Federation.

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

The disputed domain name <amundi.tech> is registered with RU-CENTER-MSK (Regional Network Information Center, JSC dba RU-CENTER) (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 28, 2024. On July 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing additional contact details. The Center sent an email communication to the Complainant on July 8, 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 the same date.

On July 5, 2024, the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On July 5, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Russian of the Complaint, and the proceedings commenced on July 23, 2024. In accordance with the

Rules, paragraph 5, the due date for Response was August 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 21, 2024.

The Center appointed Alissia Shchichka as the sole panelist in this matter on September 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 is the leading asset manager in Europe by assets under management, with a presence in Europe, the Asia-Pacific region, the Middle East, and the Americas. Serving over 100 million retail, institutional, and corporate clients, the Complainant is ranked among the top 10 asset managers globally.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its trademarks AMUNDI including, but not limited, to the following:

- International Trademark registration No. 1024160, designating numerous countries, including Russian Federation, registered on September 24, 2009, for the word mark AMUNDI, in class 36

The Complainant is also the owner of the domain name <amundi.com>, registered on August 26, 2004.

The aforementioned trademark and domain name were registered before the disputed domain name, which was registered on June 27, 2024. The disputed domain name currently resolves to an inactive website. The Complainant has provided evidence showing that the disputed domain previously redirected to a Dan.com domain names aftermarket platform indicating that it has not yet been added to the owner's portfolio.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in Russian Federation.

#### **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.

According to the Complainant, the disputed domain name is identical to the Complainant's AMUNDI trademark, as it incorporates the entire trademark. In respect of the generic Top-Level Domain ("gTLD") ".tech", which forms part of the disputed domain name, the Complainant requests that the Panel disregard it under the first element as it is a standard registration requirement.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name since (1) the Respondent is not commonly known by the disputed domain name; (2) the Respondent is not affiliated with nor authorized by the Complainant to register and/or use the disputed domain name; and (3) the Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services.

Finally, the Complainant contends that the Respondent's registration and use of the disputed domain name constitutes bad faith on the following grounds: (1) given the distinctiveness and reputation of the Complainant's trademark, it is apparent that the Respondent was aware of these trademarks; (2) as established by prior panels, the incorporation of a well-known mark into a disputed domain name, in conjunction with an inactive website, may serve as evidence of bad faith registration and use; and (3) the

Respondent, Vladimir Volf, has previously engaged in bad faith registrations of domain names identical to well-known French trademarks. Therefore, the Complainant asserts that the Respondent, as an experienced domain trader, cannot reasonably claim ignorance of the potential trademark infringements, which further substantiates the assertion of bad faith registration and use.

The Complainant requests that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **I. Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requests that the proceedings be conducted in English for the following reasons: Firstly, English is commonly used in international disputes. Secondly, the disputed domain name uses Roman characters, not Cyrillic, making English the more relevant language. Lastly, proceeding in Russian would require significant translation services, potentially resulting in costs higher than those of the proceedings. Therefore, for efficiency and clarity, the Complainant requests that the proceedings continue in English.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **II. Substantive Issues**

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

## **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 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 identical 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 name.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the AMUNDI trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the AMUNDI trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The Panel also notes that the composition of the disputed domain name carries a high risk of implied affiliation or suggests sponsorship and/or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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.

Previous panels have established that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this instance, it appears that the Respondent has deliberately registered the disputed domain name that is identical to the AMUNDI trademark. This name is unlikely to be chosen by a legitimate trader unless there is an intention to create an impression of association with the Complainant.

Considering the distinctiveness and reputation of the Complainant’s trademark, as well as the composition of the disputed domain name, the Panel concludes that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Additionally, the Panel notes that Vladimir Volf has been involved in multiple proceedings regarding the registration of well-known French trademarks (see *Carrefour SA v. Vladimir Volf*, WIPO Case No. [D2020-1665](#), regarding <carrefour.site>; *Amundi Asset Management v. Vladimir Volf*, WIPO Case No. [D2024-2592](#), regarding <amundi.site>). Although the Respondent’s name differs slightly (“Volf” instead of “Wolf”), this variation may be attributable to the transliteration of Cyrillic characters, suggesting that it is likely the same individual.

The Respondent’s history of engaging in abusive registrations of domain names that incorporate well-known French trademarks indicates a pattern of bad faith conduct. This behavior is further evidenced by the prior registration of another domain name targeting the Complainant’s trademark (*Amundi Asset Management v. Vladimir Volf*, WIPO Case No. [D2024-2592](#) regarding <amundi.site>), which reinforces the assertion of bad faith as outlined in [WIPO Overview 3.0](#), section 3.2.1.

The selection of a domain name that is identical to the Complainant’s trademark, combined with the absence of any credible explanation from the Respondent, leads the Panel to conclude that the Respondent was aware of the Complainant’s market reputation and sought to exploit it. In this regard, the Panel also notes that the disputed domain name previously redirected to a Dan.com domain names aftermarket platform offering users a possibility to subscribe for an update when the disputed domain name is offered for sale again, implying the for sale nature of the disputed domain name.

In light of these circumstances, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute 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 name <amundi.tech> be transferred to the Complainant.

*/Alissia Shchichka/*

**Alissia Shchichka**

Sole Panelist

Date: September 23, 2024