

ADMINISTRATIVE PANEL DECISION

AXA SA v. George

Case No. DCO2024-0017

1. The Parties

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

The Respondent is George, Greece.

2. The Domain Name and Registrar

The disputed domain name <axatravelinsurance.co> is registered with Dynadot 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 7, 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 (No information) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 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 March 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2024. The Respondent sent an email communication to the Center on March 13, 2024. The Center sent a possible settlement email to the parties on March 13, 2024, but no suspension was requested. On March 13, 2024, the Center sent a domain expiry email to the parties. That same day, the Complainant confirmed the renewal of the domain name. On April 21, 2024, the Center notified the Parties of the Commencement of Panel Appointment Process.

The Center appointed James Wang 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 Complainant AXA SA is the holding company of the AXA Group, which has traded under the AXA mark since 1985.

The Complainant is one of the world leaders in insurance, savings, and asset management, employing 110,302 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 May 29, 2019, duly renewed for services in classes 35, 36, 37, 39, 44 and 45.
- European Union trademark AXA (+design), No. 000373894 registered on July 29, 1998, and duly renewed for services in classes 35 and 36.

For nine consecutive years and until 2017, the Complainant's AXA trademark was considered as the leading global insurance brand. In 2023, the trademark AXA was valued at USD 15,747 million and ranked 43th among the 100 best global brands according to the Interbrand ranking.

The disputed domain name was registered on April 28, 2023. According to the evidence submitted by the Complainant, the disputed domain name does not resolve to an active 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 the AXA trademark in which the Complainant has rights. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent sent an email communication to the Center on March 13, 2024, asking to "remove the domain from my dynadot account" and stating that "I admit my mistake and want to settle the dispute". The Respondent did not rebut the Complainant's contentions. On April 26, 2024, the Respondent sent another email stating "I don't want to continue this dispute. Please remove the domain from my registrar account".

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove 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 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 provided evidence that it is the registrant of numerous AXA trademark registrations across different jurisdictions.

The applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD; the ordinary meaning ascribed to a particular TLD would not necessarily impact assessment of the first element. Therefore, the TLD ".co" shall be disregarded under the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

The disputed domain name incorporates the entirety of the AXA trademark. As the AXA trademark is recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainant's AXA trademark.

Although the addition of other terms "travel" and "insurance" 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 finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In the present case, the Complainant has provided evidence that the Complainant's AXA trademark is widely known and has a long-lasting worldwide reputation. As insurance is the Complainant's core business, the fact that the disputed domain name contains both the trademark AXA and a term "insurance" demonstrates that the Respondent obviously knew of the Complainant's trademark at the time of the registration. Also, given the high reputation and the distinctive nature of the Complainant's AXA trademark, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's trademark at the time of the registration.

According to the evidence submitted by the Complainant, the disputed domain name does not resolve to an active webpage.

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 or 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 <axatravelinsurance.co> be transferred to the Complainant.

/James Wang/

James Wang

Sole Panelist

Date: May 18, 2024