

ADMINISTRATIVE PANEL DECISION

AXA SA v. Narasimhan Srinivasaraghavan

Case No. DCO2024-0019

1. The Parties

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

Respondent is Narasimhan Srinivasaraghavan, India.

2. The Domain Name and Registrar

The disputed domain name <axabanque.co> is registered with BigRock Solutions Pvt Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2024. On March 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (No information) and contact information in the Complaint. The Center sent an email communication to Complainant on March 13, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on March 13, 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 Respondent of the Complaint, and the proceedings commenced on March 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2024.

Respondent sent an email communication to the Center on March 21, 2024, writing only “You are all fooling yourself maybe you will come to my village to carry me Obolo.”

On April 11, 2024, the Center informed the Parties about the commencement of panel appointment process. The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on April 23, 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

Complainant is a long-established multinational corporation offering commercial and personal insurance and investment and financial management services in dozens of countries. Complainant is publicly traded under the symbol “AXA” on the Paris Bourse (now the “Euronext Paris”) and New York Stock Exchange.

Complainant owns many registrations globally for its AXA mark, including for example: International Trademark Registration No. 490030, registered in Classes 35, 36, and 39 on December 5, 1984; and French Trademark Registration No. 1270658, registered in Classes 35, 36, and 42 on January 10, 1984.

The disputed domain name was registered on July 21, 2023, and does not resolve to an active webpage.

5. Parties’ Contentions

A. Complainant

Complainant alleges that its AXA trademarks are famous and that it employs more than 110,000 workers and services 93 million customers worldwide.

Complainant alleges that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant avers that it sent Respondent three cease-and-desist letters in August 2023, to which no responses were received. Complainant alleges that Respondent’s having reproduced Complainant’s famous marks within the disputed domain name and Respondent’s passive holding are evidence of Respondent’s bad faith under the Policy.

B. Respondent

Respondent did not reply to Complainant’s contentions, however sent the March 21, 2024 email communication quoted above.

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 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.

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, here, “banque,” may bear on assessment of the second and third elements, the Panel finds that the addition of that term to the AXA mark does not prevent a finding of confusing similarity between the disputed domain name and the mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of paragraph 4(a) of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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.

Here, the evidence reflects that the disputed domain name, registered nearly a year ago, does not resolve to an active website, eliminating the possibility of a bona fide offering or legitimate noncommercial use in the sense of paragraph 4(c) of the Policy.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 paragraph 4(a) has been established.

C. Registered and Used in Bad Faith

The Panel now turns to the question of registration and use in bad faith under the Policy.

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.

Complainant’s distinctive AXA trademark is famous and was ranked by Interbrand as forty-third among top global brands in 2023. The Panel notes that Respondent reproduced Complainant’s long-established AXA mark in the disputed domain name without authorization, after the trademark had been in widespread use for nearly forty years. This is clear evidence of registration in bad faith.

Panels have found 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. 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.

Applying the elements described immediately above to Respondent's passive holding of the disputed domain name, the Panel has already made reference to the broad recognition and high value of the AXA mark. Respondent also repeatedly refrained from responding to Complainant's cease-and-desist communications. Further, while Respondent emailed the Center after receiving the Notification of Complaint, Respondent's contemptuous response was devoid of defenses, statements, or any material that could be considered to address the merits of the current proceeding.

Under the circumstances, the Panel does not hesitate to find that Respondent's passive holding of the disputed domain name supports a finding of bad faith.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <axabanque.co> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: May 6, 2024