

ADMINISTRATIVE PANEL DECISION

AXA SA v. Withheld for Privacy ehf / Lucas Laporte
Case No. D2022-0899

1. The Parties

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

The Respondent is Withheld for Privacy ehf, Iceland / Lucas Laporte, American Samoa.

2. The Domain Name and Registrar

The disputed domain name <axaglobale.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2022. On March 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 17, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 2022 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 18, 2022.

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 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on April 14, 2022. 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 company registered in France. It is a provider of insurance, savings and asset management services.

The Complainant is the owner of various registrations for the trademark AXA, including for example International trademark registration number 490030 for a figurative mark AXA, registered on December 5, 1984 for services in International Classes 35, 36 and 39.

The disputed domain name was registered on February 21, 2021.

There is no evidence that the disputed domain name has resolved to any active website.

5. Parties' Contentions

A. Complainant

The Complainant submits that AXA is a leading name in insurance and related services, having been used as a trademark since 1985. The Complainant states that it employs 153,000 individuals over 54 countries worldwide and services 105 million customers in Europe, Africa, North America and the Asia-Pacific region. It operates websites linked to domain names including <axa.com> and <axa.fr>. The Complainant provides evidence of significant media and industry recognition of its AXA trademark.

The Complainant submits that the disputed domain name is confusingly similar to its trademark AXA. It states that the disputed domain name wholly incorporates that mark together with the generic term "globale" which does not distinguish the disputed domain name from its trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never licensed or authorized the Respondent to use its AXA trademark, that the Respondent has not been known by any name corresponding to the disputed domain names and that the Respondent is making neither *bona fide* commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that the disputed domain names is in itself misleading, as inevitably suggesting to Internet users that it is in some way affiliated with the Complainant's widely-known AXA trademark. The Complainant submits that the Respondent's failure to use the disputed domain name adds to the impression of registration in bad faith and does not preclude a finding of registration and use in bad faith (see *e.g. Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The Complainant also points to the Respondent's use of a proxy service as evidence of bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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

The Complainant has established that it is the owner of registered trademark rights in the mark AXA. The disputed domain name incorporates the whole of that trademark together with the term “globale”, which does not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has not filed any Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. There being no other evidence of rights or legitimate interests on the part of the Respondent, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Panel finds the Complainant’s AXA trademark to be distinctive and accepts the Complainant’s evidence that the trademark has become widely known throughout the world in connection with the Complainant and its insurance and related services. In these circumstances, the Panel finds the disputed domain name to be inherently misleading, as inevitably representing to Internet users that it is owned or operated by, or in some other manner affiliated with the Complainant. The Respondent has offered no explanation for its registration of the disputed domain name and the Panel is unable on present information to envisage any legitimate use to which the Respondent could put the disputed domain name. In the circumstances, and notwithstanding the Respondent’s passive holding of the disputed domain name, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

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, <axaglobale.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: April 27, 2022