

ADMINISTRATIVE PANEL DECISION

AXA SA v. Rasak Samuel
Case No. D2022-1290

1. The Parties

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

The Respondent is Rasak Samuel, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <axabans.online> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 11, 2022. On April 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 April 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 23, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on June 10, 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 in this administrative proceeding is AXA SA. The trade name AXA was introduced in 1985. Since 1988, AXA has been traded on the Paris Stock Exchange and in 1996 it was listed on the New York Stock Exchange. Employing 153,000 people worldwide, AXA is a world leader in insurance, saving and asset management, serving 105 million customers. The AXA Group is famous for its numerous activities in three major lines of business: property and casualty insurance, life insurance and savings, and asset management, offered both to individuals and to business companies.

The group is present in 54 countries and does business in diversified geographic regions and markets across Europe, Africa, North America and Asia-Pacific. AXA SA is the holding company of the AXA Group.

The Complainant has registered, *inter alia*, the following trademarks:

AXA (device), European Union Trademark No. 000373894, filed on August 28, 1996, registered on July 29, 1998 in Classes 35, and 36;

AXA European Union Trademark No. 008772766, filed on December 21, 2009, registered on September 7, 2012 in Classes 35, and 36;

AXA (device), International Trademark No. 1519781, filed on May 29, 2019, registered July 17, 2020 in Classes 35, 37, 39, 44, and 45;

AXA (word), International Trademark No. 490030, registered on December 5, 1984 in Classes 35, 36, and 39.

The Complainant has registered, *inter alia*, also the following domain names:

<axa.com> registered on October 23, 1995;

<axa.fr> registered on May 19, 1996;

<axa.net> registered on November 2, 1997;

<axa.info> registered on July 30, 2001.

The disputed domain name was registered on May 29, 2021.

The disputed domain name resolves to a page that is not reachable.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

(a) the disputed domain name is confusingly similar to the Complainant's trademark; (b) the Respondent lacks any rights or legitimate rights in the disputed domain name; and (c) the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

(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 rights in the AXA trademarks.

The disputed domain name consists of the AXA trademark in its entirety combined with the term “bans”. This Panel agrees with the Complainant’s assertion that the addition of the term “bans” in the disputed domain name does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”. Furthermore, the applicable Top Level Domain (“TLD”) “.online” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see section 1.11.1 of [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “axabans” or by any similar name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In fact, it appears that the disputed domain name is not active. Moreover, the Respondent has not replied to the Complainant’s contentions claiming any rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts and agrees with the Complainant’s contentions that the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered many years after the Complainant’s trademarks were registered. In addition, owing to the substantial presence established by the Complainant worldwide, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant’s trademarks when registering the disputed domain name that is confusingly similar to the Complainant’s trademark.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant’s earlier rights to the AXA trademark.

This Panel finds that the Respondent’s passive holding of the disputed domain name, considering the circumstances of the case, can be considered as use in bad faith.

The bad faith registration and use of the disputed domain name is also affirmed by the fact that, in this proceeding, the Respondent has not denied any of the assertions of bad faith made by the Complainant.

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, the Complainant has satisfied paragraph 4(a)(iii) 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 <axabans.online> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: June 24, 2022