

ADMINISTRATIVE PANEL DECISION

AXA SA v. Axa HCP, Axa Healthcare Partners
Case No. D2024-4958

1. The Parties

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

The Respondent is Axa HCP, Axa Healthcare Partners, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <axahcp.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2024. On December 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 3, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 3, 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 December 3, 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 December 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 25, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on January 6, 2025. 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 provides insurance and investment services internationally under the name and trademark AXA, including services in the healthcare sector. The Complainant offers a number of its services through a subsidiary named AXA Partners Holding SA.

The Complainant is the owner of registrations for the trademark AXA, including the following:

- France trademark registration number 1270658 for the word mark AXA, registered on October 12, 1984 in International Classes 35, 36 and 42; and
- International trademark registration number 490030 for a figurative mark AXA, registered on December 5, 1984 in International Classes 35, 36 and 39.

The Complainant operates websites at various URLs including “www.axa.com” and “www.axapartners.com”.

The Complainant’s AXA trademark has been found by previous panels under the UDRP to have attained the status of a “well-known” trademark: see e.g. *AXA SA v. Frank Van*, WIPO Case No. [D2014-0863](#).

The disputed domain name was registered on January 16, 2024.

The disputed domain name has resolved to a website purporting to be that of a business named “AXA Healthcare Partners”. The website provides an operator’s postal address (“123 Main Street, New York”), that does not match the location of a provided map on the website purportedly showing the location of the Respondent’s operations. The website includes a contact form, including a box for the user’s email address.

5. Parties’ Contentions

A. Complainant

The Complainant states that it has traded under the AXA trademark since 1985 and is a leading worldwide insurance company. It was listed on the New York Stock Exchange in 1996. The Complainant submits that it currently employs over 110,000 individuals worldwide, with a presence in 51 countries located in Europe, Africa, North America, and the Asia-Pacific region.

The Complainant submits that the disputed domain name is confusingly similar to its AXA trademark. It states that the disputed domain name incorporates that trademark in full, together with the letters “hcp”, which have no recognizable meaning.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its AXA trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is not making legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that, while the Respondent’s use of the disputed domain name may be commercial in nature, it is not bona fide, since the Respondent’s website is a not genuine and has been created in an attempt at deception. The Complainant submits, in particular, that the business featured on the

website under the disputed domain name has no United States company registration, and that the supposed links on the website to “learn more” and to social media do not lead to any other pages.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states that its trademark AXA is a distinctive, invented, term which is well known in the healthcare sector, and that the disputed domain name was chosen to take unfair advantage of that trademark by confusing Internet users. The Complainant contends that the Respondent is using the disputed domain name, in bad faith, to misdirect Internet users to a fake website, with the apparent purpose of “phishing” or otherwise obtaining personal user information.

The Complainant adds that the Respondent failed to respond to “cease and desist” letters sent to it, including one dated January 31, 2024.

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;
- (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 demonstrated that it is the owner of registered trademark rights in the mark AXA. The disputed domain name wholly incorporates that trademark, with the addition of the letters “hcp”, which do not prevent the disputed domain name 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

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.

Moreover, the Panel accepts the Complainant's submission that the Respondent's purported website is most likely a sham. In addition to the specific points highlighted by the Complainant, the Panel notes that the website is brief and generic in nature, and that the Respondent's supposed physical address, linked to a map of a different location, lacks credibility. The Respondent cannot therefore establish that its website represents a bona fide business venture, or otherwise that it has rights or legitimate interests in respect of the disputed domain name. Similarly, the Respondent's provided registrant name and organization appear to be false, and likely intended to create an association with the Complainant.

The Panel therefore 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 Complainant has established that its trademark AXA is both distinctive and well known, that it is used in connection with services in the healthcare sector, and that the Complainant conducts certain operations through an entity named AXA Healthcare Partners. The Respondent having provided no explanation for its choice of the disputed domain name, and the Panel having found on balance that its website is not genuine, the Panel infers that the Respondent both registered and has used the disputed domain name in the knowledge of the Complainant's AXA trademark and business, and with the intention of taking unfair advantage of that trademark by causing confusion to Internet users.

The Panel finds in particular that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore 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 <axahcp.com> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: January 10, 2025