

ADMINISTRATIVE PANEL DECISION

GIE AG2R v. edouard Michel and julien rossi
Case No. D2025-0402

1. The Parties

The Complainant is GIE AG2R, France, represented by Scan Avocats AARPI, France.

The Respondents are Edouard Michel, France and Julien Rossi, France.

2. The Domain Name and Registrar

The disputed domain names <ag2r-europartner.com> and <europartner-ag2r.com> are registered with Realtime Register B.V. and Hostinger Operations, UAB, respectively (altogether the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2025. On February 3, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On February 3 and 4, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (DOMAIN ADMIN Privacy Protect, LLC (PrivacyProtect.org) and REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 5, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on February 5, 2025.

The Center verified that the Complaint together with the amended 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 Respondents of the Complaint, and the proceedings commenced on February 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. The Respondent, Julien Rossi, sent an email communication to the Center on February 10, 2025.

On February 14, 2025, the Complainant requested suspension of the proceedings to explore settlement options. The Center suspended the proceedings until March 19, 2025. On February 24, 2025, the Complainant sent an email requesting that the proceeding be reinstated. The Center reinstated the proceedings on February 25, 2025, and informed the Parties that the new Response due date was March 10, 2025. Pursuant to paragraph 6 of the Rules, on March 12, 2025, the Center informed the Parties that it would proceed with the panel appointment process.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on March 25, 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 has filed a set of evidence in support of its Complaint. For the purpose of providing the factual background to this case, the Panel notes that:

The Complainant, GIE AG2R, known as the Group AG2R LA MONDIALE, is a leading social protection group in the insurance of persons and their property in France. It is a major actor in particular in the fields of retirement, health, and life insurance. It has more than 12 million policyholders and protected beneficiaries, and more than 383.000 corporate clients (i.e., one in four companies in France).

One of the subsidiaries of the Complainant is a financial entity incorporated in Luxembourg under the name La Mondiale Europartner. It provides wealth saving services.

The Complainant has demonstrated significant use and reputation of the brands AG2R, AG2R LA MONDIALE, and use of the brand LA MONDIALE EUROPARTNER. In particular, the Complainant has acted for years as sponsor of a major sailing event called “La Transat AG2R LA MONDIALE” (previously “LA TRANSAT AG2R”).

The Complainant (also through its subsidiary) is the owner in particular of the following trade marks:

- French trademark AG2R No. 4914383 registered on March 10, 2023;
- European Union trade mark LA MONDIALE EUROPARTNER No. 5391008 registered on November 23, 2007;
- French word and device mark No. 4580597 registered on August 14, 2020;



The disputed domain names were registered on September 5, 2024 (<ag2r-europartner.com>) and September 6, 2024 (<europartner-ag2r.com>). Both are registered in the name of distinct individuals with different addresses, in France. For the reasons detailed at point 6.1 below, both registrants will be treated as a single Respondent and hereinafter referred to as the “Respondent”.

At least one of the disputed domain names was used by the Respondent to send a phishing email impersonating an employee of the Complainant. A copy of the email was filed with the Complaint: it consisted of a commercial offer in French to a potential client, and it reproduced the contact details of the Complainant, as well as the logo and trade marks of the Complainant reproduced above. According to the Complainant, many similar scams were sent to potential customers.

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 names.

Notably, the Complainant contends, first, that the disputed domain names are confusingly similar to the earlier trade marks AG2R and LA MONDIALE EUROPARTNER, respectively. Second, it claims that the Respondent has no rights or legitimate interests in the disputed domain names. In this respect, it highlights that the Respondent has never been commonly known under the name AG2R EUROPARTNER, and has not been authorized to use its trade marks. Finally, the Complainant contends that the Respondent has registered and used the disputed domain names in bad faith. In this respect, not only the Respondent knew or should have known the Complainant and its brands, but it has used at least one of the disputed domain names for a phishing scam.

The Complainant has also drawn the attention of the Panel to the fact that the Respondent Julien Rossi has been involved in other cybersquatting activities, with a similar domain name registered under the “.fr” extension, and in another case which is currently pending (*GIE AG2R v Julien Rossi*, WIPO Case No. [D2024-5316](#), <ag2r-epargne.com>).

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of Multiple Respondents

The disputed domain names are registered in the name of distinct Respondents, with different addresses in France. Still, the Complainant submits that the Respondents should be consolidated.

Regarding consolidation scenarios, section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states that “where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario”.

The Panel agrees with the Complainant that the disputed domain names are presumably under common control, for a number of reasons. First, the disputed domain names share the same configuration: both consist of the combination of the trademark AG2R and the term “EUROPARTNER”. Both words are separated by a hyphen, and the disputed domain names are registered under the same extension. Second, both domain names were registered nearly simultaneously: within 24 hours one from the other. Third, both domain names are connected to the same Registrar (either as such or as reseller), and share the same name servers.

Moreover, the Panel notes the named Respondents have not objected to the consolidation or otherwise participated in the present proceeding so as to refute the presumption of common control.

Therefore, the Panel determines that the Respondents be consolidated.

6.2. Substantive Issues

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark AG2R is reproduced within the disputed domain names. This finding is sufficient to conclude that the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The fact that the disputed domain names incorporate a part of an additional trade mark of the Complainant is just an additional circumstance which may bear an impact for the assessment of the second and third elements of the Policy.

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 the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Besides, Panels have held that the use of a domain name for illegal activity, here, claimed phishing, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has impersonated the Complainant and its trade marks in the framework of a phishing scam using the disputed domain name <europartner-ag2r.com>. The disputed domain names were configured with the combination of several trade marks of the Complainant: AG2R and LA MONDIALE EUROPARTNER. The disputed domain name <europartner-ag2r.com> was used to pursue illegal activities to the detriment of the Complainant and potential clients. Such activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The disputed domain name <ag2r-europartner.com> is being passively held. 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. [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.

Also, as evidenced by the Complainant, the Respondent has engaged in a pattern of registering several domain names that are confusingly similar to the trade mark of the Complainant.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes 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 <ag2r-europartner.com> and <europartner-ag2r.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: March 31, 2025