

ADMINISTRATIVE PANEL DECISION

AXA SA v. yyu tyuu

Case No. D2024-4879

1. The Parties

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

Respondent is yyu tyuu, India.

2. The Domain Name and Registrar

The disputed domain name <axa-investt.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 26, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to Complainant on December 2, 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 December 2, 2024.

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 Respondent of the Complaint, and the proceedings commenced on December 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on December 26, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on January 4, 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

Complainant, together with its affiliates (collectively “Complainant”) is a multinational company, based in France. For decades prior to the registration of the disputed domain name, Complainant has offered insurance products and services under the AXA mark. Complainant has several registered trademarks for its AXA mark. These include, among others, International Registration No. 490,030 (registered December 5, 1984) and France Registration No. 1,270,658 (registered October 12, 1984). Complainant also owns the registration for several domain names that contain its AXA mark, including <axa.com> (registered October 24, 1995), which Complainant uses to communicate with consumers regarding its insurance products and services.

The disputed domain name was registered on December 19, 2023. As of the filing of the Complaint, the disputed domain name resolved to a pay-per-click page. Respondent did not reply to multiple cease-and-desist letters from Complainant regarding Respondent’s registration and use of the disputed domain name.

5. Parties’ Contentions

A. Complainant

Complainant contends that the (i) disputed domain name is identical or confusingly similar to Complainant’s trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

In particular, Complainant contends that it has established rights in its “world-known mark,” which has significant value as indicated by the AXA mark’s ranking of 43 in the 2023 Interbrand survey. Complainant contends that Respondent has merely added a hyphen with a misspelling of the word “invest” in the disputed domain name, which consumers will likely associate with Complainant’s well-known offerings as the “world’s number one commercial property and casualty insurer.” Complainant asserts that Respondent has no rights or legitimate interest in the registration or use of the disputed domain name. Complainant contends that Respondent did not reply to multiple attempts by Complainant to contact Respondent, and demanding that Respondent cease and desist use of the disputed domain name. Complainant further contends that Respondent has acted in bad faith in resolving the disputed domain name to a pay-per-click page, presumably for Respondent’s own commercial gain.

B. Respondent

Respondent did not reply to Complainant’s contentions.

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 the 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, AXA, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Although the addition of other terms (here, a hyphen and the term “invest” which appears to be a misspelling of the dictionary term “invest”) may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and Complainant’s mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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.

Complainant has established rights to the mark incorporated in the disputed domain name, and Respondent has not responded with any valid claim to use those terms. The Panel finds that Complainant has provided sufficient evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, as of the filing of the Complaint, the disputed domain name resolved to a pay-per-click page.

A panel must examine “the totality of the circumstances,” including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals his/her identity and/or replies to the complaint. Respondent did not respond to the Complainant’s allegations in this proceeding, nor to Complainant’s previous cease-and-desist letters. Complainant has established prior rights in the AXA mark, as well as significant renown thereto. Respondent appears to be trading on the goodwill of Complainant’s well-known trademark to attract Internet users, presumably for Respondent’s own commercial gain. See *AXA SA v. Privacy service provided by Withheld for Privacy ehf / John Sicot*, WIPO Case No. [D2022-0963](#); *AXA SA v. Frank Van*, WIPO Case No. [D2014-0863](#).

The Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

7. Decision

For all 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 <axa-investt.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Dated: January 18, 2025