

ADMINISTRATIVE PANEL DECISION

AXA SA v. SEDIPSSA Comercializadora S.A de C.V.

Case No. D2024-4885

1. The Parties

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

The Respondent is SEDIPSSA Comercializadora S.A de C.V., Mexico.

2. The Domain Name and Registrar

The disputed domain name <espaceclient-axaassurance.com> is registered with Tucows Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 27, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also 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 (No information) and contact information in the Complaint.

The Center sent an email communication to the Complainant on November 29, 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 November 29, 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 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 2, 2025.

The Center appointed Halvor Manshaus as the sole panelist in this matter on January 9, 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 the holding company of the AXA Group, which was founded in 1817 and operates within the insurance, savings, and asset management industries. The Complainant is present in 51 countries and conducts business across various markets and regions, including Europe, Africa, North America, and the Asia-Pacific. It serves 93 million customers and employs 110,302 people worldwide.

The name “AXA” was introduced in 1985, and the Complainant holds the following trademarks comprising of the mark AXA:

- The International trademark registration number 490 030 registered on December 5, 1984 in classes 35, 36 and 39, designated in several countries;
- The International trademark registration number 1 519 781 registered on May 29, 2019 in classes 35, 36, 37, 39, 44 and 45, designated in several countries;
- The European trademark registration number 373 894 registered on July 29, 1998 for classes 35 and 36;
- The European trademark registration number 008 772 766 filed on September 7, 2012 for classes 35 and 36; and
- The French trademark registration number 1 270 658 filed on January 10, 1984 for classes 35, 36 and 42.

Additionally, the Complainant also holds the following domain names which comprises of the trademark AXA.

- <axa.com> registered on October 23, 1995;
- <axa.fr> registered on May 20, 1996;
- <axa.net> registered on November 1, 1997; and
- <axa.info> registered on July 30, 2001.

The disputed domain name was registered on December 31, 2023. The record shows the website at the disputed domain name has no active content.

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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name reproduces the Complainant's trademark in its entirety, with the addition of the words “customer space” and “insurance” in French. This creates a strong likelihood that Internet users would mistakenly believe the disputed domain name is an official website of the Complainant, intended for accessing their customer space.

Further, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been licensed or otherwise authorized to use the Complainant's trademarks. Additionally, the Respondent is not commonly known by the disputed domain name, nor is the domain being used in connection with a bona fide offering of goods or services.

The Complainant asserts that the disputed domain name was registered and is being used in bad faith. Firstly, the Complainant's trademark is well-known worldwide, and the Respondent deliberately registered the disputed domain name incorporating the trademark in its entirety. The disputed domain name is passively held, and the Respondent has not answered any formal letters or notices, which indicates bad faith.

B. Respondent

The Respondent did not reply to the 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.

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

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the French words for "client space" and "insurance" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Complainant's trademark is clearly recognizable within the disputed domain name, and as such the inclusion of the additional elements does not prevent a finding of confusing similarity.

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 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.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent has failed to respond to any formal letters or notices, and that the disputed domain name does not resolve to an active website. Moreover, the disputed domain name incorporates the Complainant's well-known trademark in its entirety, along with the words "customer space" and "insurance" in French. The Panel concludes that the inclusion of the Complainant's well-known trademark, along with terms directly related to the Complainant's business and services, demonstrates an intentional effort to create a likelihood of confusion among Internet users.

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.

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 <espaceclient-axaassurance.com> be transferred to the Complainant.

/Halvor Manshaus/

Halvor Manshaus

Sole Panelist

Date: January 23, 2025