

ADMINISTRATIVE PANEL DECISION

GIE AG2R v. julien rossi
Case No. D2024-5316

1. The Parties

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

The Respondent is julien rossi, France.

2. The Domain Name and Registrar

The disputed domain name <ag2r-epargne.com> 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 December 27, 2024. On December 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 28, 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 January 2, 2025, 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 amended Complaint on January 6, 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").

The Respondent sent an email communication to the Center on January 6, 2025, expressing its willingness to settle. Upon the Complainant's request of January 7, 2025, the Center issued the Notification of Suspension on January 8, 2025, suspending the proceedings until February 7, 2025, for settlement discussions. Upon the Complainant's request for an extension, the suspension was extended to March 14, 2025. On February 24, 2025, the Complainant sent an email requesting reinstitution of the proceedings.

The Center informed the Parties of the reinstatement of the proceedings on the same day. The Respondent also sent two additional email communications on January 8 and February 10, 2025.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent sent another informal email communication to the Center on February 26, 2025. The Center informed the Parties that it would proceed to panel appointment on March 19, 2025.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on March 24, 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, 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 out of four companies in France).

The Complainant has demonstrated significant use and reputation of the brands AG2R / AG2R LA MONDIALE. In particular, the Complainant has acted for years as sponsor of a major sailing race called "La Transat AG2R LA MONDIALE" (previously "La Transat AG2R"). It also sponsors a major cycling team.

The Complainant is the owner in particular of the French trade mark AG2R LA MONDIALE No. 3629122, registered on September 11, 2009.

The disputed domain name was registered on December 12, 2024. It was not actively used by the Respondent and resolves to a Registrar parking page.

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 earlier trade mark AG2R LA MONDIALE, insofar "it reproduces its distinctive part 'AG2R' followed by one generic term that refers to the Complainant's services". The Complainant also claims that the Respondent does not have any rights or legitimate interests over the disputed domain name. Indeed, the Respondent has never been known under the name "AG2R La Mondiale", and has not been authorized to use its trade marks. Finally, regarding the third criteria of the Policy the argument of the Complainant is twofold. It argues on the one side that the Respondent knew the existence of the Complainant when it configured and registered the disputed domain name. This can be inferred from a number of circumstances, such as the notoriety of the Complainant, or the association of the descriptive French term "epargne" to the distinctive element AG2R. On the other hand, the Complainant claims the benefit of the doctrine of bad faith passive holding. It states in particular that "The Complainant's AG2R and AG2R LA MONDIALE trade marks are highly distinctive, the word 'epargne' clearly targets the Complainant's core business, the Respondent is concealing his identity, as personal data related to the registrant of the domain name is, according to the website DomainTools, not available".

B. Respondent

The Respondent did not reply to the Complainant's contentions. It simply offered, in repeated email communications, to transfer the disputed domain name to the Complainant. It failed, however, to proceed with the procedure required for settlement.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that a dominant feature of the Complainant's mark, namely the element "AG2R", is recognizable within the disputed domain name. Anyone faced with the sign AG2R will immediately link it to the registered trade mark AG2R LA MONDIALE. 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 "epargne", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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. On the contrary, the Respondent has repeatedly offered to transfer the disputed domain name to the Complainant, which, to the Panel, supports the conclusion that composition of the disputed domain name can mislead Internet users into believing that the website is operated or endorsed by the Complainant.

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

C. Registered and Used 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.

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 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. This can be inferred from a number of converging circumstances, namely:

- The composition of the disputed domain name targets directly the Complainant and its activities. Indeed, it combines the distinctive element "AG2R" of the Complainant's trade mark which is well known in France, together with a word which refers to one of the activities of the Complainant. "Epargne" is the French word for "savings", and the Complainant is particularly active and known for its services of employee savings.
- The Complainant is particularly well known in France, where the Respondent is reportedly located.
- The Respondent has not provided any evidence of actual or contemplated good-faith use of the disputed domain name, and the Panel notes that entities operating in the financial sector, such as the Complainant, are particularly sensitive to cybersquatting.

Two additional elements confirm that a transfer of the disputed domain name to the Complainant is appropriate:

- First, the Respondent has been involved in other cybersquatting activities, with similar domain names (*GIE AG2R v. edouard Michel and julien rossi*, WIPO Case No. [D2025-0402](#), <ag2r-europartner.com> and <europartner-ag2r.com>).
- Second, the Respondent has already indicated on several occasions that it agrees to transfer the disputed domain name.

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-epargne.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: April 7, 2025