

ADMINISTRATIVE PANEL DECISION

GIE AG2R v. debaba samir

Case No. D2025-1068

1. The Parties

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

The Respondent is debaba samir, France.

2. The Domain Name and Registrar

The disputed domain name <ag2rlamondiale.sbs> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 14, 2025. On March 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 2025, 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 (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 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 March 20, 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 Respondent of the Complaint, and the proceedings commenced on March 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 14, 2025.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on April 16, 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 GIE AG2R, also known as Group AG2R LA MONDIALE, a French Economic Interest Group and provider of personal insurance and asset management services in France. Founded in 1905, the Group today serves over 12 million policyholders and beneficiaries, and more than 383,000 corporate clients, representing one in four French companies. Its governance structure includes “ASSOCIATION SOMMITALE AG2R LA MONDIALE” and “SGAM AG2R LA MONDIALE”, among others, and it operates through subsidiaries such as La Mondiale Europartner, based in Luxembourg.

The Complainant is the holder of various registered trademarks, notably:

French trademark AG2R No.4914383 registered November 18, 2022, covering goods and services in classes 9, 16, 18, 25, 35, 36, 39, 41, 43, 44 and 45;

French trademark AG2R LA MONDIALE No. 3661597 registered on July 2, 2009, duly renewed and covering goods in classes 16, 18 and 25;

French trademark  No. 4580597 registered on September 10, 2019, covering services in classes 35, 36, 41 and 45; and

European Union trademark **AG2R LAMONDIALE** No. 008261166 registered on March 1, 2010, duly renewed and covering services in classes 35, 36, 39, 41, 43, 44 and 45.

The Complainant is also the registrant of several domain names reflecting its trademark portfolio and commercial identity, all predating the disputed domain name registration. These include:

- <ag2rlamondiale.fr> registered on February 27, 2007;
- <ag2rlamondiale.com> registered on February 16, 2007;
- <ag2rlamondiale.org> registered on February 27, 2007;
- <ag2rlamondiale.net> registered on February 27, 2007;

The disputed domain name <ag2rlamondiale.sbs> was registered on November 12, 2024. Prior to the filing of the Complaint, the disputed domain name redirected to a parking page displaying advertising hyperlinks pointing to the Complainant's competitors' sites. This redirection has since been deactivated and to date the disputed domain name does not resolve to an active website.

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 identical to its registered trademarks and domain names incorporating AG2R LA MONDIALE. The domain name reproduces the trademark in its entirety, without alteration, and the addition of the generic top-level domain “.sbs” is irrelevant in assessing identity.

Second, the Complainant claims that the Respondent has no rights or legitimate interests in the domain name. The Respondent is not commonly known by the name “AG2R LA MONDIALE”, holds no trademark rights, and has never been authorized to use the Complainant’s name or marks. The Complainant further submits that the redirection of the domain name to a parking page with advertising links cannot constitute a bona fide offering of goods or services.

Third, the Complainant asserts that the domain name was registered and used in bad faith. Given the reputation of the AG2R LA MONDIALE mark, its long-standing use since 1915, and the availability of extensive online references, the Respondent could not plausibly have been unaware of the Complainant. The domain name previously redirected to a parking page displaying advertising hyperlinks pointing to the Complainant’s competitors. This redirection has since been disabled, and the domain name no longer resolves to an active site. The configuration of MX servers further suggests a risk of phishing or fraudulent use. Accordingly, the Complainant maintains that the domain name <ag2rlamondiale.sbs> was registered and is being used in bad faith and should be transferred.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Numerous UDRP panels have held that the mere addition of a Top-Level Domain (“TLD”) such as “.sbs” is only technically required for domain name registration and is therefore disregarded in the comparison. [WIPO Overview 3.0](#), section 1.11.1.

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.

Indeed, the Respondent is not commonly known by the name "AG2R LA MONDIALE" and is not affiliated with the Complainant in any capacity and does not act on its behalf or in association with its activities.

Furthermore, the disputed domain name previously redirected to a parking page containing sponsored links, some of which promoted services of the Complainant's competitors. The Panel finds that such use does not constitute a *bona fide* offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Finally, the Respondent was afforded the opportunity to present any arguments or evidence in support of its rights or legitimate interests in the disputed domain name. However, by failing to submit a formal Response, the Respondent has forfeited that opportunity. In accordance with paragraph 14 of the Rules, the Panel may therefore draw such inferences from the Respondent's default as it deems appropriate.

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 to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, based on the composition of the disputed domain name, the Panel finds it likely that the Respondent was aware of the Complainant's trademark rights at the time of registration.

Indeed, the Panel finds that the disputed domain name is identical to the Complainant's trademarks. The structure of the disputed domain name thus appears deliberately designed to evoke the Complainant and its brand.

Moreover, the Respondent registered the disputed domain name `<ag2rlamondiale.sbs>` long after the Complainant had secured trademark rights in AG2R LA MONDIALE and registered multiple corresponding domain names, including `<ag2rlamondiale.fr>` and `<ag2rlamondiale.com>`, all dating back to 2007.

In light of these elements, the Panel considers it implausible that the Respondent was unaware of the Complainant's rights at the time of registration.

Regarding the use in bad faith, Paragraph 4(b)(iv) of the Policy provides that evidence of bad faith may be found where a respondent has used a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the complainant's mark. In this case, the disputed domain name previously resolved to a parking page containing sponsored links, including links to competitors of the Complainant. The Panel finds that this constitutes bad faith use under paragraph 4(b)(iv).

Moreover, the disputed domain name is currently inactive following the Complainant's intervention. However, the passive holding of a domain name identical to a well-known trademark, when combined with the other surrounding circumstances, including the notoriety of the Complainant's marks, the lack of any rights or legitimate interests by the Respondent, supports a finding of bad faith under the doctrine of passive holding.

Additionally, the Respondent did not respond to the Complainant's complaint and has therefore put forward no evidence of any contemplated good faith use.

Therefore, 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 <ag2rlamondiale.sbs> be transferred to the Complainant.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: April 29, 2025