

ADMINISTRATIVE PANEL DECISION

CA Consumer Finance, Société Anonyme v. El Ouahid Badr
Case No. D2025-1104

1. The Parties

The Complainant is CA Consumer Finance, Société Anonyme, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is El Ouahid Badr, France.

2. The Domain Name and Registrar

The disputed domain name <agilautoparts.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2025. 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 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, Privacy service provided by Withheld for Privacy ehf) 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 April 4, 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 April 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2025. Aside from an informal communication submitted on April 3, 2025, the Respondent did not submit any response. Accordingly, the Center notified the Commencement of Panel Appointment Process on April 30, 2025.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on May 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, CA CONSUMER FINANCE, Société Anonyme, is a subsidiary of the Crédit Agricole Group ("Crédit Agricole"), an international banking group headquartered in France. Crédit Agricole was established in 1894 from a network of local banks originally created to support agriculture and has since grown into a global financial services group. Crédit Agricole S.A. is a publicly traded company (Euronext: ACA) and reported consolidated revenues of approximately 36.5 billion euros in 2023, employing approximately 154,000 people worldwide and serving over 54 million customers through more than 8,250 branches.

Within its extensive portfolio, the Complainant operates the AGILAUTO brand, which functions as a vehicle leasing and eco-mobility solutions platform. AGILAUTO is managed under Crédit Agricole Personal Finance & Mobility and Crédit Agricole Leasing & Factoring, entities within the Crédit Agricole Group. AGILAUTO offers multi-brand car rental financing solutions tailored to individuals, professionals, and corporate clients of Crédit Agricole and LCL regional banks. In September 2023, the Complainant launched the connected brand AGILAUTO PARTAGE, specializing in electric car sharing and sustainable transport, particularly targeting rural areas. This initiative has been acknowledged in notable media outlets such as The Financial Times and Open Fleet.

The Complainant has maintained an active online presence for the AGILAUTO and AGILAUTO PARTAGE brands since 2018. The Complainant also owns over 300 domain names incorporating its trademarks, including 37 domain names containing AGILAUTO and AGILAUTO PARTAGE. The AGILAUTO/AGILAUTO PARTAGE trademarks have been the subject of significant investment in advertising and promotional activities internationally.

The Complainant has submitted evidence of ownership of numerous trademark registrations for the AGILAUTO/ AGILAUTO PARTAGE trademarks across various jurisdictions:

- French word trademark AGIL AUTO No. 4424776 registered on February 1, 2018, in classes 12, 35, 36, 38 and 39
- French figurative trademark  No. 4439918 registered on March 23, 2018, in classes 12, 35, 36, 38 and 39
- French figurative trademark  No. 4516784 registered on January 18, 2019 in classes 12, 35, 36, 38 and 39
- French word trademark AGILAUTO No. 4772093 registered on June 1st, 2021 in classes 9, 35, 36, 37, 39, and 40
- French word trademark AGILAUTO PARTAGE No. 4931729 registered on January 26, 2023 in classes 9, 35, 36, 37, and 39
- French figurative trademark  No. 4931719, registered on January 26, 2023 in classes 9, 35, 36, 37, and 39

To promote its reputation on the Internet, Complainant registered numerous domain names including:

- "www.agilauto.fr" domain name registered on January 25, 2018
- "www.agilautopartage-ca.fr" domain name registered on June 22, 2023

The disputed domain name was registered on September 22, 2022. The Respondent is identified as the managing director of AGIL AUTOPARTS, a French company established on January 10, 2022, specializing in retail sales of automobile equipment. The Respondent's contact details for the disputed domain correspond with the company's registered address. The website associated with the disputed domain name offers for sale automotive parts, including Original Equipment Manufacturer (OEM) and Original Equipment (OE) parts, primarily targeting automotive professionals.

The Respondent has asserted in correspondence that the disputed domain name corresponds to the name of their company. In an email dated April 3, 2025, the Respondent stated the following: "Agil Autoparts is the official name of our company, registered in France, and before using this domain "agilautoparts.com" we have verified that all rights are reunited to use this domain."

There is no known business or legal relationship between the Complainant and the Respondent.

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 it is the owner of the AGILAUTO / AGIL AUTO trademark and holding a nationally or regionally registered trademark suffices to establish trademark rights for the purposes of filing a UDRP complaint. Furthermore, the disputed domain name incorporates the Complainant's trademark in its entirety, merely appending the generic term "parts," which does not diminish the confusing similarity. In addition, according to the Complainant, the disputed domain name appears as a deliberate misspelling of the Complainant's AGILAUTO PARTAGE trademark, substituting letters in a way that further emphasizes its connection. The Respondent's use of the disputed domain name to host a website offering services in the same industry sector as the Complainant, reinforces the conclusion that the domain is confusingly similar and intended to mislead consumers.

Moreover, the Complainant submits that the registrations granted by the French INPI for AGILAUTO/ AGIL AUTO trademark constitute prima facie evidence of the validity of the trademark and of the Complainant's exclusive rights to use it in commerce for the goods and services specified. The Respondent, by contrast, is not affiliated with, sponsored by, or authorized by the Complainant to use the trademarks or any confusingly similar domain name. The Respondent's identity, as shown in the Whois records, does not correspond to the disputed domain name, and the use of privacy services further supports the absence of legitimate interests. Although the Respondent holds a business registration under the name "AGIL AUTOPARTS," this occurred after the Complainant's trademark registrations, and no trademark rights or common law rights have been demonstrated by the Respondent in connection with the disputed domain name. Additionally, the Respondent's use of the domain to offer competing goods and services without authorization does not constitute a bona fide use under the Policy. Thus, the Complainant maintains that the Respondent lacks any rights or legitimate interests in the disputed domain name.

Finally, the Complainant argues that its AGILAUTO / AGIL AUTO trademark enjoys international recognition, with registrations in numerous jurisdictions and longstanding commercial use predating the Respondent's domain registration. The disputed domain name's composition, combining the Complainant's trademark with a generic term related to its business, strongly suggests that the Respondent was aware of the Complainant's rights at the time of registration. The Respondent's registration and use of the domain name create initial interest confusion, attracting internet users by capitalizing on the Complainant's trademark reputation. The use of the domain name to operate a website offering services in the same sector and geographical area further evidences bad faith registration and use. The Respondent's failure to respond to cease-and-desist communications reinforces this conclusion. Furthermore, the Complainant contends that technical features such as the presence of mail exchanger (MX) records and the use of privacy services point to a likelihood of fraudulent or deceptive activities.

B. Respondent

Apart from the April 3, 2025, email quoted above, the Respondent did not reply to the Complainant's contentions and is therefore in default.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 the AGIL AUTO trademark, with priority back to February 2018, and AGIL AUTO PARTAGE trademark, with priority back to January 2023, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel observes that the disputed domain name was registered on September 22, 2022, predating the Complainant's AGIL AUTO PARTAGE trademark, but postdating several of the AGIL AUTO marks.

However that may be, for the purposes of the first element under paragraph 4(a) of the Policy, the "UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired rights." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.1.3 (noting that trademark rights need only be in existence at the time the complaint is filed).

The entirety of the trademark is reproduced within the disputed domain name. The addition of the term "parts" does not negate the confusing similarity. As outlined in section 1.8 of the [WIPO Overview 3.0](#), the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

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

B. Rights or Legitimate Interests

In view of the below assessment regarding the third element, the Panel finds that there is no reason to examine the second element with respect to Rights or Legitimate Interests.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant bears the burden to prove that the disputed domain name was both registered and is being used in bad faith by the Respondent. This requires demonstrating that the Respondent's conduct was motivated by an improper purpose, such as an intent to unfairly profit from or exploit the Complainant's trademark rights.

In the present case, the Respondent is the managing director of “AGIL AUTOPARTS”, a French company duly incorporated and registered with the French Trade and Companies Register (Registre du Commerce et des Sociétés, RCS) of Chartres, under SIRET number 920 114 337 00016, created on October 10, 2022, with its registered office at 1 Avenue François Mitterrand, 28500 Vernouillet, France. It is represented by the Respondent, Mr. Badr El Ouahid in his capacity as Chief Executive Officer. The Respondent operates this company in a commercial field directly corresponding to the disputed domain name. The website accessible via the disputed domain name offers retail sales of automotive parts, specifically OEM and OE products, targeting professional automotive resellers. While it is possible that the Respondent registered its business and the disputed domain name after it became aware of the Complainant’s offerings, and while the Panel notes that the term “agilauto” is not itself a descriptive term, it is a reasonably obvious combination of “agile” and “auto” such that it is capable of multiple uses moreover when combined with “parts” as is the case here; in sum, there is not sufficient evidence in the case as presented to conclude that the disputed domain name was registered solely due to its similarity with a trademark of the Complainant.

Given this, the Panel is in the opinion that the Respondent’s registration and use of the disputed domain name reflect a direct and bona fide connection to its legally registered trade name and economic activity.

More importantly, the Panel wishes to underline that the UDRP procedure was designed as a narrow mechanism to address cases of abusive or bad faith domain name registration, commonly referred to as cybersquatting. The Final Report of the WIPO Internet Domain Name Process of April 30, 1999 indicates that the mandatory alternative dispute resolution procedure proscribed by the UDRP must be limited in scope “to cases of bad faith, abusive registration of domain names that violate trademark rights”. The policy does not serve as a general substitute for judicial proceedings addressing trademark infringement, unfair competition, or other commercial disputes. This fundamental principle has been consistently affirmed by panels. In *Insight Global, LLC v. Clement Odongo, Core Insight LLC* (WIPO Case No. [D2024-2630](#)), the panel emphasized that the dispute appears to be a trademark infringement or unfair competition claim rather than a case of cybersquatting. Accordingly, if the complainant believes it has a claim against the respondent based on trademark rights, such a claim belongs in a different forum, as it falls outside the scope of the UDRP procedure. Similarly, in *Cerruti 1881 s.a.s. v. Gurpreet Johar*, WIPO Case No. [D2012-1574](#), the panel held that the UDRP’s scope is strictly limited to abusive domain registrations and not intended to resolve complex trademark or business disputes, especially where the respondent has registered and used the domain name in connection with a valid and ongoing commercial enterprise. Additionally, the panel in *Auconet GmbH v. Frank Winter*, WIPO Case No. [D2020-2651](#) confirmed that intricate factual and legal issues that exceed the “cybersquatting” scope of the UDRP must be resolved by courts with appropriate jurisdiction.

In the present case, there is no proof the Respondent acted in bad faith in registering or using the disputed domain name. Instead, the record supports that the Respondent registered the domain name in connection with a bona fide commercial business that predated the complaint. The Complainant has not provided sufficient evidence that the domain was registered primarily to exploit or trade on the Complainant’s trademark rights, nor that the Respondent’s use of the domain creates a likelihood of deception in bad faith.

Finally, it is clear that the present dispute is better suited for jurisdictions competent to examine trademark infringement and unfair competition claims, rather than by the UDRP process. The UDRP is not a venue for resolving all disputes involving domain names, particularly those raising substantive trademark rights or business conflicts.

Therefore, on the record before the Panel, the Complainant has failed to satisfy the third element of the Policy relating to bad faith registration and use, and the UDRP procedure is not an appropriate mechanism for resolving this dispute.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: May 30, 2025