

ADMINISTRATIVE PANEL DECISION

AXA SA v. capital elc
Case No. D2025-2781

1. The Parties

The Complainant is AXA SA, France, represented by Plasseraud IP, France.

The Respondent is capital elc, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <axaglobal.org> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. On July 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Privacy Protect LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 amendment to the Complaint on July 17, 2025.

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 July 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on August 18, 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 a French company which is the holding company of AXA Group, a global insurance group present in 50 countries across diversified geographic regions and markets and operating under AXA trademark.

The Complainant is the owner of many registered trademarks for the AXA trademark, including the following:

- International trademark registration No. 490030 for AXA, registered on December 5, 1984;
- European Union trademark registration No. 008772766 for AXA, registered on September 7, 2012;
- French trademark registration No. 1270658 for AXA, registered on January 10, 1984.

Furthermore, the Complainant is the owner of a number of domain name registrations containing the AXA trademark, such as <axa.com> registered on October 24, 1995.

The disputed domain name was registered on November 22, 2023, and at the time of filing the Complaint it resolved to a webpage displaying “404 Not Found” error message. At the time of the Decision, the disputed domain name resolves to an inactive webpage.

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 well-known and highly distinctive AXA trademark and that the disputed domain name is incorporating this trademark in its entirety. The addition of the term “global” does not prevent the likelihood of confusion between the disputed domain name and the Complainant’s trademark. Finally, the addition of the generic Top-Level Domain (“gTLD”) “.org” is considered a standard for domain name registration and should therefore not be taken into account in the panel’s comparison of the signs.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that no license or authorization of any other kind, has been given by the Complainant to the Respondent, to use its AXA trademark or to register any domain name containing such trademark. The Respondent has not been commonly known by the disputed domain name or even associated with the Complainant’s trademark. The Respondent is not making legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Although the disputed domain name is passively held, passive holding of a domain name does not constitute its legitimate noncommercial use.

With reference to the circumstances evidencing bad faith, the Complainant indicates that its AXA trademark has become internationally famous and enjoys worldwide good reputation. Previous UDRP panels have found AXA trademark to be well-known and in accordance with the UDRP practice bad faith exists on the respondent’s side when the disputed domain name incorporates the entirety of well-known trademark. The passive holding of the disputed domain name in this case indicates the use of the disputed domain name in bad faith, in accordance with the practice of former UDRP panels.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

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

The entirety of the Complainant’s trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant’s trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “global”) 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 Complainant’s trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that the gTLD “.org”, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's AXA trademark. There appears to be no element from which the Panel could infer the Respondent's rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant's AXA trademark in combination with the term "global" carries a risk of implied affiliation, especially in the light of the fact that the Complainant is a holding company for global insurance group. [WIPO Overview 3.0](#), section 2.5.1.

Having in mind the above, 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 must have been aware of the Complainant and its AXA trademark at the time of the registration of the disputed domain name. Namely, the first use of AXA trademark predates the registration of the disputed domain name by decades, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. Also, the choice of additional term "global" can further indicate the Respondent's awareness of the Complainant and its trademark, having in mind the global nature of the Complainant's business. Furthermore, based on the evidence provided by the Complainant and based on the findings of previous UDRP panels, the Panel deems that the Complainant's AXA trademark enjoys significant reputation in the global insurance market (see, for example, *AXA SA v. Frank Van*, WIPO Case No. [D2014-0863](#)) which additionally emphasizes that it is very unlikely for the Respondent to register a domain name containing this trademark without having the Complainant in mind.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

The disputed domain name resolves to an inactive webpage (it previously resolved to a webpage displaying "404 Not Found" error message), meaning that the disputed domain has not been actively used by the Respondent. 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. More precisely, previous panels have already considered that passive holding of a disputed domain name can satisfy the requirements of paragraph 4(a)(iii) of the Policy, and that in such cases the panel must give close attention to all the circumstances of Respondents' behavior (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be

put. It should be emphasized that it is not required that all the above-listed factors be present in order to establish bad faith use of the disputed domain name (see, for example, *Compagnie Générale des Etablissements Michelin v. K Nandalal, BlueHost*, WIPO Case No. [D2021-3990](#)).

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's failure to submit a response to the UDRP complaint and thereby to provide any evidence of actual or contemplated good-faith use are some of the factors under the doctrine of passive holding that are present in the case at hand. Additionally, in the Panel's opinion, the distinctiveness and the reputation of the Complainant's AXA trademark and the structure of the disputed domain name are such that it is rather difficult to imagine any good faith use that the disputed domain name could be put into. Having in mind the above, 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.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <axaglobal.org> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: September 1, 2025