

ADMINISTRATIVE PANEL DECISION

GIE AG2R v. Jean Dupont
Case No. DCO2024-0098

1. The Parties

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

The Respondent is Jean Dupont, France.

2. The Domain Name and Registrar

The disputed domain name <ag2rlamondiale.co> is registered with Amazon Registrar, Inc. (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 January 7, 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, Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 8, 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 13, 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 January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 6, 2025.

The Center appointed Elise Dufour as the sole panelist in this matter on February 10, 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 Economic Interest Group which is one of the leading social protection groups in the insurance of persons and their property in France. The Complainant represents its members in their economic life and acts on their behalf. It also has the possibility to represent them in court.

The Complainant has more than 12 million policyholders and protected beneficiaries, more than 383,000 corporate clients (i.e., one in four companies in France), nearly 110 collective agreements at company or professional branch level and more than 10,000 expert employees.

Among others, the Complainant is the owner of the following French trademarks (the “AG2R LA MONDIALE” Trademarks):

- the French word trademark AG2R LA MONDIALE No. 3661597, registered on July 2, 2009, for services in classes 16, 18, and 25;

- the French trademark  AG2R LA MONDIALE le groupe des territoires No. 4580597, registered on August 14, 2020, for services in classes 35, 36, 41, and 45;

- the French trademark  AG2R LA MONDIALE Assureur des territoires No. 4580599, registered on July 24, 2020, for services in classes 35, 36, 41, and 45.

The Complainant is also the owner of several domain names, such as <ag2rlamondiale.fr> and <ag2rlamondiale.net> registered on February 27, 2007.

The disputed domain name was registered on December 5, 2024, and does not resolve to any active online content to date.

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 the AG2R LA MONDIALE Trademarks. The Complainant asserts the disputed domain name reproduces identically, without any other term, the Complainant's trademarks and domain names incorporating AG2R LA MONDIALE. Furthermore, the Complainant contends that the addition of the suffix “.co” is irrelevant in the comparison of the signs at stake.

Then, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that to the Complainant's best knowledge, the Respondent is not currently and has never been known under the name “AG2R LA MONDIALE”. The Complainant ascertains that the Respondent is not in any way related to its business and does not carry out any activity for or has any business with it. In particular, the Respondent has not been licensed, contracted or otherwise permitted by the Complainant in any way to use the prior AG2R LA MONDIALE Trademarks or to register any domain name incorporating these prior trademarks. In addition, the Complainant states that after a quick search regarding the Respondent, it appears that all personal information provided by the

Respondent when registering the disputed domain name is obviously fake. Finally, the Complainant conducted a trademark search on the WIPO trademark database over “AG2R” and noticed that the Respondent has never filed any trademark identical or similar to its own rights

Finally, the Complainant stands that the disputed domain name was registered and is being used in bad faith. The Complainant highlights its strong reputation in France, in the field of insurance of persons and their property. Therefore, the Complainant considers that it is highly likely that the Respondent knew of the existence of the Complainant’s prior intellectual property rights at the time the disputed domain name was registered. The Complainant indicates that the expression “AG2R LA MONDIALE” is not a common expression in French or English. Finally, the Complainant submits that the Respondent’s having reproduced the Complainant’s famous marks within the disputed domain name and the Respondent’s passive holding are evidence of the Respondent’s bad faith under the Policy.

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.

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.

In particular, the Respondent has neither been granted a license nor has it been otherwise authorized by the Complainant to use its AG2R LA MONDIALE trademarks, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent's name somehow corresponds with the disputed domain name, and the Respondent does not appear to have any trademark rights associated with the terms "ag2rlamondiale".

There is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a legitimate noncommercial fair use or a bona fide offering of goods or services.

The disputed domain name does not resolve to an active website. Prior UDRP panels have found that the passive holding of a disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. See, by way of example, *Skyscanner Limited v. WhoisGuard Protected, WhoisGuard, Inc. / petrov petya*, WIPO Case No. [DCC2020-0003](#); and *Instagram, LLC v. Zafer Demir, Yok*, WIPO Case No. [D2019-1072](#): "The passive holding of the disputed domain name does not amount to use or preparations to use it in connection with a bona fide offering of goods and services. Nor is there any evidence which indicates that the Respondent is commonly known by the disputed domain name. Nor does a passive holding of the disputed domain name comprise a legitimate noncommercial or fair use of it."

The Panel, therefore, 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.

The Complainant has produced evidence showing that it owns registrations for the AG2R LA MONDIALE trademark, of which registration date significantly precedes the registration date of the disputed domain name. In addition, the Complainant has credibly submitted that over the years it has developed substantial goodwill in the AG2R LA MONDIALE trademark. 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 (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, 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, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

All said criteria apply to the present case.

Hence, the Panel does not hesitate to find that the Respondent's passive holding of the disputed domain name supports a finding of bad faith. The Panel finds that the Complainant has established the third element of paragraph 4(a) 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.co> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: February 24, 2025