

DISPUTE RESOLUTION SERVICE**D00022450****Decision of Independent Expert**

AXA

and

Privacy Department

1. The Parties:

Lead Complainant: AXA
25 avenue Matignon
Paris
France
75008
France

Respondent: Privacy Department
Klapparstigur 7
Reykjavik
101
Iceland

2. The Domain Name:

axavp.co.uk

3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

12 March 2020 11:14 Dispute received

13 March 2020 15:16 Complaint validated

13 March 2020 15:18 Notification of complaint sent to parties

01 April 2020 02:30 Response reminder sent

06 April 2020 10:00 No Response Received

06 April 2020 10:00 Notification of no response sent to parties
20 April 2020 02:30 Summary/full fee reminder sent
20 April 2020 08:54 Expert decision payment received.

4. Factual Background

The Complainant, AXA, is a French incorporated company and a member of AXA Group, companies engaged in 64 countries across Europe, North America and Asia-Pacific in the field of insurances and financial services. The AXA Group has operated under the widely known AXA trademark since 1985, including *inter alia* UK trademark “AXA” n°1 272 911, filed on October 1, 1986 in classes 35 & 36 for “insurance services; financial banking services” and duly renewed.

One member of the AXA Group is AXA Venture Partners, located in Paris, which registered the domain name <axavp.com> on January 24, 2018.

The domain name <axavp.co.uk> was registered by the Respondent on November 4, 2019. It resolves to a parking website with pay-per-click links to other insurance services providers which compete with the Complainant. The domain name has also been used to send emails from <customer.services@axavp.co.uk> to customers of the Complainant purporting to be from AXA Venture Partners and, in at least one case, seeking a copy of the customer’s bank statement and stating *inter alia*:

“AXA Venture Partners is an international strategic initiative involving multiple partners within the AXA S.A. global family of companies.”

5. Parties’ Contentions

The Complainant says the domain name is confusingly similar to its AXA trademarks and company name; the Respondent has no rights or legitimate interests in respect of the domain name and the domain name is an Abusive Registration in the hands of the Respondent.

The Complainant has not granted the Respondent any licence or other authorization to use its trademarks; there is no relationship between the parties; there is no valid reason why the Respondent would choose the domain name other than to take advantage of the reputation and goodwill established in the Complainant’s AXA trademarks; and the Respondent cannot deny prior knowledge of the Complainant’s AXA trademarks since the domain name is exclusively referable to the Complainant.

There is clear evidence that the Respondent is engaged in a phishing scheme to divert the Complainant's customers to the Respondent’s website. The Respondent is using the domain name in a fraudulent way or in a way which will have confused people or businesses into believing that the domain name is registered to, operated or authorized by or otherwise connected with the Complainant. The domain name is therefore an “instrument of fraud” in the hands of the Respondent.

The Respondent failed to submit a Response.

6. Discussions and Findings

To succeed under Nominet's Dispute Resolution Service Policy ("the Policy"), the Complainant must prove on the balance of probabilities both that it has Rights in respect of a name or mark that is identical or similar to the domain name and that the domain name is an Abusive Registration in the hands of the Respondent.

The Complainant has demonstrated that it is registered as a French company under the name "AXA" and has long held registered trademark rights in "AXA", which is widely known in the insurance industry. The domain name comprises the distinctive AXA name and trademark together with the letters "VP" which do not detract from the distinctiveness of the AXA name or mark. Rather, in conjunction with that name or mark those letters are understood as an acronym for "Venture Partners" and reinforce the significance of the domain name as a reference to the Complainant's associated company AXA Venture Partners. The ".co.uk" suffixes may be disregarded. Accordingly, I find the domain name to be similar to the Complainant's AXA name and mark.

The Complainant has thus established that it has Rights in respect of a name or mark that is identical or similar to the domain name.

Abusive Registration is defined as a domain name which either was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or is being or has been used in a manner which took unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

Paragraph 5.1 of the Policy provides a non-exhaustive list of factors which may be evidence that a domain name is an Abusive Registration including:

"5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant".

The Panel is satisfied, on the evidence provided by the Complainant and not denied by the Respondent, that the Respondent registered the domain name with the Complainant's well-known AXA name and mark in mind and is using it fraudulently to masquerade as the Complainant's associated company AXA Venture Partners in order to obtain commercial advantage.

The Panel therefore finds that the Respondent is using the domain name in a way which has confused or is likely to confuse people or businesses into believing that the domain name is registered to, operated or authorised by, or otherwise connected with the Complainant. Hence the Panel finds the domain name, in the

hands of the Respondent, to be an Abusive Registration in the circumstances set out in the Policy, paragraph 5.1.2.

The Complainant has established both elements under the Policy.

7. Decision

For the reasons set out above, I determine that the domain name <axavp.co.uk> be transferred to the Complainant.

Signed

Dated May 11, 2020