1. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (the “Center”) on August 29, 2013. The Center transmitted by email to Northeast Networking Information Center and HangZhou AiMing Network Co., Ltd (the Registrars of the domain names) respectively, a request for registrar verification in connection with the domain names at issue on August 29, 2013. The Center verified that the Complaint satisfied the formal requirements of the CNNIC Domain Name Dispute Resolution Policy (“CNDRP”) issued by the China Internet Network Information Center (“CNNIC”) and becoming effective on 28 June 2012 and the Rules for CNNIC Domain Name Dispute Resolution Policy (“Rules of CNDRP”) issued by the CNNIC and becoming effective on 28 June 2012, and the HKIAC Supplemental Rules for CNDRP and Rules of CNDRP (“Supplemental Rules”), issued by the Hong Kong International Arbitration Centre and becoming effective on 28 June 2012.

In accordance with the Rules, the Center attempted to formally notify the Respondent of the Complaint however no response was received, and the proceedings commenced on September 9, 2013. In accordance with Article 17 of the Rules, the due date for Response was September 30, 2013. The Respondent did not submit any response.

The Center appointed Matthew Murphy as the sole panelist in this matter on October 7, 2013. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence.

The Panel considered the request of the Complainant for the decision to be issued in the English language, and on the date of issue of this decision, the Panel agreed to issue this decision in English.

2. Factual background

For the Complainant
The Complainant - SOCIETE GENERALE - is a French multinational banking and financial services company headquartered in Paris, and claims that “LYXOR” (known also as Lyxor Asset Management) is an investment company based in France, and a wholly owned subsidiary of the Complaint. Lyxor Asset Management offers exchanged-traded index funds and other ETFs, exchanged-traded notes (ETN), and several other products to private and corporate investors.

The Complainant has provided details of the international registration of its trademark “LYXOR” – the Panel notes in particular that the “LYXOR” trademark is registered in China under Registration No.G805274.

The Complainant has provided evidence to show numerous domain names similar to the trademark “LYXOR”, which are owned by it.

For the Respondent

The Respondent did not provide any submissions or evidence.

3. Parties’ Contentions

The Complainant

The Complainants asserts that the Respondent has no legitimate interests in respect of the disputed domain names, and that the domain names have been registered and used in bad faith.

The Respondent

The Respondent has not asserted any claims, defenses or contentions.

4. Findings

As to the case, Article 8 of CNDRP provides that a complaint against a registered domain name shall be supported if the following conditions are fulfilled:

i. The disputed domain name is identical with or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights or interests;

ii. The disputed domain name holder has no right or legitimate interest in respect of the domain name or major part of the domain name;

iii. The disputed domain name holder has registered or has been using the domain name in bad faith.

Article 7 of CNDRP states that the complainant and the respondent shall bear the burden of proof for their own claims. With reference to the Complaint and the attached documents, the Panel of this case considers that:-

Identical or Confusing Similarity

The Panel finds that the Complainant has established that it is the owner of the trademark “LYXOR”. The validity and fame of the trademark are beyond dispute in Europe, and possibly
China. The Respondent’s domain names include the Complainant’s trademark, with the simple addition of “.cn” and “.com.cn” to it – no evidence or submissions to refute this claim has been provided by the Respondent. Internet users may easily understand these domain names to refer to the Complainant’s products and services, since the domain names include the Complainant’s well-known trademark, which is a distinctive mark that is highly attributable to the Complainant. Accordingly, the domain names are confusingly similar to the trademark “LYXOR” owned by the Complainant.

Rights or Legitimate Interests of the Respondent

There is no evidence that the Respondent had any right or legitimate interest whatsoever in respect of the trademark “LYXOR”, or that there was any association between the trademark “LYXOR” and its activities, before registering the domain names. Given that the Respondent has not provided any evidence to support a right or legitimate interest in the domain names, the Panel finds that the Respondent has no rights or legitimate interests in respect of the domain names.

Bad Faith

The trademark “LYXOR” is well-known enough that it is presumable that the Respondent knew about its existence when registering the domain names (see Banca Sella S.p.A. v. Mr. Paolo Parente, WIPO Case No. D2000-1157; Expedia, Inc. v. European Travel Network, WIPO Case No. D2000-0137). No argument has been submitted by the Respondent in order to counter these findings. The Panel concludes that the domain names have been registered in bad faith.

As far as use of the domain names in bad faith is concerned, the Panel concludes that the Respondent’s holding of the domain names in this particular case satisfies the requirement that the domain name “is being used in bad faith” by the Respondent (see Telstra Corporation Limited v Nuclear Marshmellows, WIPO Case No. D2000-0003; Espirito Santo Financial Group S.A. v. Peter Colman, WIPO Case No. D2001-1214). The Respondent has provided no evidence of any actual or contemplated good faith use by it of the domain names.

5. Decision

Pursuant to Article 14 of the CNDRP, this Panel orders that the domain names <LYXOR.CN> and <LYXOR.COM.CN> be transferred to the Complainant.

Matthew Murphy
Sole Panelist

Dated: 15 October 2013