Decision for dispute CAC-UDRP-101128

Case number	CAC-UDRP-101128
Time of filing	2015-12-09 12:35:00
Domain names	BOLLOREHOLDINGS.COM

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	BOLLORE SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Mbah Sylvester Mr IT

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

The Complainant is the registered proprietor of International Trademark No 704697 BOLLORÉ, registered on December 11, 1998, i. e. the Complainant's trademark predates the registration of the disputed domain name.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

Founded in 1822, the Bolloré Group is one of the 500 largest companies in the world, involved in transportation and logistics, communication and media, electricity storage and solutions and managing a portfolio of shareholdings worth about 2 billion euros.

The Respondent registered the Domain Name <bolloreholdings.com> on October 20, 2015. It resolves to a website entitled “BOLLORE HOLDINGS LTD" which describes its business as "Trader, Importer, Exporter, Wholesaler and Supplier" of a variety of food and vegetable products and as having been established in 2004. However, that company does not exist because the address given for its head office in South Africa does not exist; the same non-existent addresses are given for that company in Ukraine and in Romania; and there is no information about that company (which claims to manage 50-100 employees

since 2004) through a Google search;

As far as the Complainant's contentions are concerned, the Complainant claims that the disputed domain name is confusingly similar to its trademark. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name which the Respondent registered and been using in bad faith.

The Respondent did not reply to a cease and desist letter sent by email from the Complainant.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark in which the complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant's BOLLORÉ trademark is distinctive and well known. The absence from the disputed domain name of the acute accent, the presence of the descriptive word 'holdings" and the immaterial gTLD ".com" do nothing to detract from the distinctiveness of the Complainant's mark. Accordingly, the disputed domain name <bolloreholdings.com> is confusingly similar to the Complainant's BOLLORÉ trademark.

The Complainant's assertions that the Respondent is not known by the Domain Name and is not related in any way to the Complainant; that the Complainant does not carry out any activity for, nor have any business with the Respondent and has granted neither licence nor authorization to the Respondent to make any use, or apply for registration of the Domain Name; and that the website to which the Domain Name resolves provides false contact details suffice to establish a prima facie case of absence of rights and legitimate interests in the Domain Name on the part of the Respondent. In the absence of any response, the Panel finds the Respondent has no rights or legitimate interests in the Domain Name.

In light of the false contact information on the Respondent's website and the Respondent's failure to reply to the Complainant's cease and desist email, the Panel accepts the Complainant's contention that the Respondent registered the Domain Name in knowledge of the notoriety of the Complainant and is intentionally using the Domain Name in order to attract Internet users to his website for commercial gain by creating a likelihood of confusion with the Complainant. Accordingly the Respondent registered and is using the Domain Name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **BOLLOREHOLDINGS.COM**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2016-01-12

Publish the Decision