Decision for dispute CAC-UDRP-101390

Case number	CAC-UDRP-101390
Time of filing	2016-12-28 10:37:04
Domain names	boll0re.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Roy

OTHER LEGAL PROCEEDINGS

The Complainant has submitted that there are no other legal proceedings, pending or decided, which related to the Disputed domain name. No such proceedings are known to the Panel.

IDENTIFICATION OF RIGHTS

The rights in question are set out under Factual Background, below.

FACTUAL BACKGROUND

The Complainant, a listed company founded in 1822 and operating in the fields of transportation, communications, electricity and related sectors, holds a number of trademark registrations, e.g a visual mark containing the text Bolloré (France, 98739799) and a textual mark BOLLORE (France, 92407712), most recently registered in 1998 and 1992 respectively, and also the subject of a number of international registrations through the relevant treaties. Moreover, it registered the domain name <BOLLORE.COM> on 25 July 1997 and continues to publish a website at that address.

PARTIES CONTENTIONS

The Complainant contends that the Disputed domain name <BOLL0RE.COM> is confusingly similar to the trademark BOLLORE, being distinguished only by the substitution of one instance of the letter O with the number 0. The Complaint includes a number of Annexes, which set out the use of the domain name <BOLL0RE.COM> in electronic mail correspondence and the lack of any further content at the web address <BOLL0RE.COM>.

No administratively compliant response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Disputed domain name is identical or confusingly similar to a trademark or service mark 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 Disputed domain Name (within the meaning of paragraph 4(a)(ii) of the Policy). The Panel notes that the Disputed domain name is not the subject of an active website (since its registration in November 2016), although it has been used for the purposes of email (see under bad faith, below) within a few days of registration.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). In finding so, the Panel places particular emphasis on the evidence (Annex 5 to the Complaint) that an email address using the Disputed domain Name appears to have been used to impersonate the Complainant for purposes that are, prima facie, characteristic of phishing and potentially unlawful activity. Use of this nature has been relied on by panellists in other UDRP proceedings, both at this Provider - <TEVAPHARMACEUTICALSLIMITED.COM> (101161) - and elsewhere - <TETRASPAK.COM> (D2014-1387, WIPO) The Panel also notes the likelihood that the registration was a form of 'typosquatting', which has been found to be material in previous decisions at this Provider (see for instance <BOUYGEUS-CONSTRUCTION.COM> (101387).

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

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the Disputed domain name <BOLL0RE.COM>. On the other hand, it is clear that the Complainant has rights in respect of the trademark BOLLORE, which is similar in many respects to the registered domain name <BOLL0RE.COM>. In light of the evidence presented regarding the use of the domain name <BOLL0RE.COM> by the Respondent, and the legal findings regarding 'typosquatting', the Panel can find that the Disputed domain name in question is being operated in bad faith. The requirements for the acceptance of a Complaint under paragraph 4 of the UDRP have therefore been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLL0RE.COM**: Transferred

PANELLISTS

Name	**Dr Daithi Mac Sithigh**

DATE OF PANEL DECISION 2017-02-02

Publish the Decision