Decision for dispute CAC-UDRP-101485

Case number	CAC-UDRP-101485
Time of filing	2017-04-03 12:20:05
Domain names	HRMAILBOLLORES.COM

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	BOLLORE SA

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Karina Mihailova

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings that are pending or decided and that relate to the Disputed domain name

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several international trademark registrations BOLLORE, including:

- the international figurative trademark registration BOLLORE with number 704697, registered on 11 December 1998;
- the international word trademark registration BOLLORE with number 595172, registered on 14 August 1992 .

FACTUAL BACKGROUND

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

Bolloré (the Complainant) was founded in 1822. Thanks to a diversification strategy based on innovation and international development, it now holds strong positions in all its activities around three business lines, Transportation and Logistics, Communication and Media, Electricity Storage and Solutions (see their website: www.bollore.com).

The Complainant is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Bolloré's stock is still controlled by the Bolloré family. This stable majority control of its capital allows Bolloré to develop a long-term investment policy. In addition to its activities, Bolloré manages a number of financial assets.

The Complainant is the owner of several international trademark registrations BOLLORE.The Complainant also owns and communicates online through various domain names, the main one being <bollore.com>, registered on 25 July 1997.

The Disputed domain name <hrmailbollores.com> was registered on 8 March 2017, by the Respondent “Karina Mihailova”.

The Disputed domain name is not used in relation with an active website.

I. The Complainant states that the Disputed domain name is confusingly similar to its trademarks BOLLORE.

Indeed, the Disputed domain name <hrmailbollores.com> contains the Complainant’s registered trademark BOLLORE in its entirety.

The Complainant contends that the addition at the beginning of the Disputed domain name <hrmailbollores.com> of the generic word “HR” (in reference of Human Resources) and “MAIL”, and the letter “S” at the end of the term BOLLORE, are not sufficient elements to escape the finding that the Disputed domain name is confusingly similar to the Complainant's trademarks and linked to the Complainant.

Thus, the Disputed domain name is confusingly similar to the BOLLORE trademarks of the Complainant.

II. The Complainant further asserts that the Respondent does not have any rights or legitimate interest in the Disputed domain name.

According to the "whois" information of the Disputed domain name, the Respondent is identified as “Karina Mihailova” from “Moscow” in “Russia”.

The Respondent is not known by the Complainant. The Complainant contends that the Respondent is not affiliated with nor authorized by BOLLORE in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademarks BOLLORE, or apply for registration of the Disputed domain name by the Complainant.

Furthermore, the Disputed domain name points to an inactive website since its registration on 8 March 2017. According to the Complainant, this shows that the Respondent has no demonstrable plan to use the Disputed domain name.

Finally, the Complainant asserts that the Respondent could not have used the Disputed domain name without infringing the Complainant's trademarks BOLLORE. Internet users may unfairly believe that the Disputed domain name redirects to a Human Resources website of BOLLORE, or may believe that an email sent via this Disputed domain name was from the Human Resources department of the Complainant BOLLORE.

III. The Complainant asserts that the Disputed domain name was registered and is being used in bad faith.

The Complainant contends that the Respondent is only passively holding the Disputed domain name. By doing so, the Respondent deprives the owner of the trademarks BOLLORE of using this Disputed domain name. This can be considered as passive retention.

On this basis, the Complainant concludes that the Respondent has registered and is using the Disputed domain name in bad

faith.

PARTIES CONTENTIONS

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).

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).

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 Disputed domain name is confusingly similar to the Complainant's BOLLORE trademarks since it wholly comprises those trademarks, with the mere addition of the generic abbreviation "HR", which stands for "Human Resources", the descriptive term "mail" and an "s" at the end of the Domain Name.

Accordingly, the Panel finds that the Disputed domain name is confusingly similar to the BOLLORE trademarks of the Complainant.

The Panel further finds that the Complainant successfully asserted that the Respondent does not have any rights or legitimate interest in respect of the Disputed domain name. The Respondent has not raised any argument to demonstrate that she has rights or legitimate interests in the Disputed domain name.

Finally, the full incorporation of the BOLLORE trademarks into the Disputed domain name, in combination with the fact that the website under the Disputed domain name has been inactive since its registration, shows the bad faith of the Respondent. The Respondent has not raised any argument to demonstrate that she was not acting in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **HRMAILBOLLORES.COM**: Transferred

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2017-05-10

Publish the Decision