# Decision for dispute CAC-UDRP-101732

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| Case number | CAC-UDRP-101732 |
| Time of filing | 2017-10-17 08:38:38 |
| Domain names | BOLLORE-LOQISTICS.COM |

## Case administrator

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| Name | Aneta Jelenová (Case admin) |

## Complainant

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| Organization | BOLLORE |

## Complainant representative

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| Organization | Nameshield (Laurent Becker) |

## Respondent

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| Organization | yankees |

OTHER LEGAL PROCEEDINGS

There are no other proceedings that the Panel is aware of.

IDENTIFICATION OF RIGHTS

The Complainant relies on its International Registration No. 1025892 which is for classes 35, 36 and 39 and is registered in JP, US, RU, CH, KR, CU, SG, VN, EG, TR and NO with a 2009 Priority date. This is a logo or figurative mark but the dominant and distinctive elements are the words "BOLLORÉ LOGISTICS". It is clear from the international registers that this is one of a very large portfolio of national, regional and international marks. In some jurisdictions the Complainant may also have unregistered rights arising from use in trade. Its main website is at www.bollore.com.

FACTUAL BACKGROUND

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

On its website at www.bollore.com it says that it was founded in 1822 and now the Bolloré Group is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family. This stable majority control of its capital allows the Group to develop a long-term investment policy. Thanks to a diversification strategy based on innovation and on international development, it now holds strong positions in all its activities around three business lines, Transportation and Logistics, Communication, Electricity Storage and solutions. In addition its activities, the Group manages a number of financial assets including plantations and financial investments. In

2016 it had 59,411 employees world-wide and a turnover of 10,076 million euros.

The disputed domain name was registered on 9 October 2017. It does not resolve and appears never to have been in use.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant states that the disputed domain name <bollore-loqistics.com> is confusingly similar to its trademarks BOLLORE LOGISTICS and its associated domain names. The Respondent has merely replaced the letter “g” with the letter “q”. This replacements fails to distinguish the domain name from the registered trademark. See Belkin Components v. Gallant, FA 97075 (Nat. Arb. Forum May 29, 2001) (finding the <belken.com> domain name confusingly similar to the complainant's BELKIN mark because the name merely replaced the letter “i” in the complainant's mark with the letter “e”). This is “typosquatting," a practice whereby a domain name registrant deliberately introduces typographical errors or misspellings into a trademark and then uses the string in a domain name, and hopes that Internet users will inadvertently type the malformed trademark or read the domain name and believe it is legitimately associated with the target trademark. In doing so, wayward Internet users are misdirected to a web presence controlled by the confusingly similar domain name’s registrant. See Webster Financial Corporation and Webster Bank, National Association v. IS / ICS INC, FA 16070016833 (Forum Aug. 11, 2016).

The Respondent is not known by the name of the Complainant. The Complainant contends that the Respondent is not affiliated with nor authorized by BOLLORE LOGISTIC 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 LOGISTICS and BOLLORE, or apply for registration of the disputed domain name by the Complainant.

Furthermore, the disputed domain name has pointed to an inactive page since its registration. The Complainant contends that the Respondent has not make any use of the disputed domain name since its registration, and it confirms that the Respondent has no demonstrable plan to use the disputed domain name. This demonstrates a lack of legitimate interests in respect of the disputed domain name. Accordingly, Respondent has no rights or legitimate interests on the disputed domain name.

The Complainant contends that the Respondent’s typosquatting behavior is evidence of bad faith. See Zone Labs, Inc. v. Zuccarini, FA 190613 (Forum Oct. 15, 2003) (“Respondent’s registration and use of [the <zonelarm.com> domain name] that capitalizes on the typographical error of an Internet user is considered typosquatting. Typosquatting, itself is evidence of bad faith registration and use pursuant to Policy ¶ 4(a)(iii).”). Use of a disputed domain name to resolve to an inactive website may also evidence bad faith. See Dermtek Pharmaceuticals Ltd. v. Sang Im / Private Registration, FA1310001522801 (Forum Nov. 19, 2013) (holding that because the respondent’s website contained no content related to the domain name and instead generated the error message “Error 400- Bad Request,” the respondent had registered and used the disputed domain name in bad faith pursuant to Policy ¶ 4(a)(iii)).

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

There is no question that the Complainant has rights in a name and mark similar to the disputed domain name, both from its registered mark and arising from its substantial use in trade.

Here the g is replaced with a q in the disputed domain name. The Respondent has not come forward with any explanation and has on the face of it, no rights or interests in the name. This is a case of blatant and overt typosquatting. No use can be bona fide where a domain name was selected to create and capitalize on confusion and trade on the reputation of the trade mark owner or to impersonate the owner. Typosquatting is a form of impersonation. This is not consistent with honest or fair or legitimate use. Bettinger, Domain Name Law and Practice, Second Ed. p.1383, para. IIIE.302. See also WIPO case No. D2009-1091 (dyson24-7.com).

It is a case of paradigm bad faith registration and use to divert traffic to the disputed domain name. See CAC case No. 100549 (remeymartin.com), WIPO case No. D2011-0003 (allsatate.com) and CAC case No. 100666 (cetaphyl.com). Typosquatting also indicates that the Respondent was aware of the Complainant at the time of registration, see WIPO case No. 2010 -1414 (wwvaletwaste.com) and Typosquatting is a known category of disruption. See Bettinger, Domain Name Law and Practice, Second Ed. p.1426, para. IIIE. 401. Bad Faith is made out.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLORE-LOQISTICS.COM**: Transferred

## PANELLISTS

| Name | **Victoria McEvedy** |
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DATE OF PANEL DECISION 2017-11-27

Publish the Decision