Decision for dispute CAC-UDRP-101728

Case number	CAC-UDRP-101728
Time of filing	2017-10-13 09:01:41
Domain names	bollore.shop

Case administrator

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

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Epik LLC / Domain Admin

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or decided legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant claims to be the owner of various "BOLLORE" trademarks, including the international trademark registration no. 704697 “Bolloré” (with design), issued December 11, 1998, which is protected in numerous countries and covers various goods and services in international classes 16, 17, 34, 35, 36, 38, and 39.

A different legal entity named “BOLLORE PROTECTION”, which also has a different street address than Complainant, owns the international trademark registration no. 595172 “BOLLORE” (word), issued August 14, 1992, which is protected in various countries and covers numerous goods and services in international classes 06, 09, 11, 12, 13, 19, 20, 37, 41, 42. The Complaint does not explain, however, the relationship between the Complainant’s company “BOLLORE” and this other company “BOLLORE PROTECTION”, so it remains unclear whether they belong to the same group of companies. The Panel has therefore decided to disregard this international trademark registration no. 595172 “BOLLORE” (word).

The disputed domain name was registered on September 19, 2017, i.e. the Complainant’s international trademark registration no. 704697 “Bolloré” (with design) predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant’s Bolloré Group of companies was founded in 1822. Based on a diversification strategy it now holds strong positions around three business lines, namely (i) Transportation and Logistics, (ii) Communication and Media, and (iii) Electricity Storage and Solutions. It is one of the 500 largest companies in the world. While listed on the Paris Stock Exchange, the majority interest of the Group's stock is still controlled by the Bolloré family.

For its main corporate website the Complainant uses the domain name <bollore.com>, which was registered on July 25, 1997.

Complainant contends that Respondent is not affiliated with Complainant nor authorized by Complainant in any way to use the trademark “BOLLORE”. Complainant does not carry out any activity for, nor has any business with the Respondent.

Complainant asserts that Respondent has no rights or legitimate interests in respect of the domain name <bollore.shop> and that he is not related in any way to the Complainant’s business.

On September 22, 2017, an e-mail cease and desist letter was sent to Respondent, to which Respondent did not reply.

The disputed domain name redirects to a registrar parking page which states that the domain name is on sale and invites visitors to “make an offer”.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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 Panel finds that the disputed domain name is confusingly similar to Complainant's (device) trademark cited above. The only differences between the disputed domain name and this trademark’s word element "Bolloré" are (i) the accent on the final letter "e" and (ii) the descriptive top-level domain ".SHOP", which are both insignificant to the overall impression.

The Panel finds that Complainant successfully submitted prima facie evidence that Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is Respondent commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

In the absence of a Response, the Panel infers that Respondent had Complainant's trademark in mind when registering and using the disputed domain name as described above. Respondent’s offer to sell the disputed domain name indicates that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(i)of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLORE.SHOP**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2017-12-03

Publish the Decision