

Decision for dispute CAC-UDRP-102013

Case number	CAC-UDRP-102013
Time of filing	2018-05-21 09:20:37
Domain names	bollorelogisticsafrica.com

Case administrator

Name	Sandra Lanczová (Case admin)
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Complainant

Organization	Bolloré (SA)
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Complainant representative

Organization	Nameshield (Enora Millocheau)
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Respondent

Organization	AtomGate
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OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant owns several trademarks, including International Trademark with registration number 1008325 "BOLLORE AFRICA LOGISTICS" for services in classes 35, 36 and 39, for many designated countries, including the European Union, which was registered on 14 January 2009 (the "Trademark").

FACTUAL BACKGROUND

The Complainant is a family owned business that was founded in 1822 and has evolved into a global company, listed on the Paris Stock Exchange, with strong positions in all its activities around three business lines: Transportation and Logistics, Communication and Media, Electricity Storage and solutions. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments.

The Complainant also has a large presence in Africa through its subsidiary "Bolloré Africa Logistics".

The Complainant owns several domain names that include the Trademark, such as <bolloreafriicalogistics.com>, registered

on 25 September 2007.

The disputed domain name was registered on 14 May 2018.

Until recently the disputed domain did not resolve to a website. The disputed domain name currently resolves to a website solely displaying an exact copy of the sign used by the Complainant on its website and consisting of the words Bolloré Logistics and a device element.

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

a. The disputed domain name includes the Trademark in its entirety. The reversal of the elements 'africa' and 'logistics' does not distinguish the disputed domain name from the Trademark so as to prevent a finding of confusing similarity (e.g. WIPO Case No. D2017-0903, Crédit Agricole S.A. v Marc Egnon; WIPO Case No. D2015-1146, Old Mutual Life Assurance Company (South Africa) and Mutual & Federal Insurance Company Limited v. Unknown Web Host; WIPO Case No. D2008-1377, La Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Grozea Romica)

b. The Panel is satisfied that the Respondent was not licensed or authorised to use the Trademark in the disputed domain name. The Panel further finds that the Respondent has successfully submitted prima facie evidence that the 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 it making a legitimate non-commercial or fair use of the disputed domain name. The Panel therefore finds the Respondent has no rights or legitimate interests in respect of the disputed domain name.

c. In the absence of a Response, the Panel infers that the Respondent had the Trademark in mind when registering the disputed domain name, as the disputed domain name incorporates the entire Trademark, while the Trademark is sufficiently distinctive that it is likely that the Respondent was familiar with the Trademark when it registered the disputed domain name. For this reason the Panel finds that the disputed domain name was registered and is being used in bad faith, with no other apparent goal than to take unfair advantage of the Trademark.

Therefore, the Panel finds that all three elements under the paragraph 4(a) of the Policy have been proved by the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLORELOGISTICSAFRICA.COM**: Transferred
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PANELLISTS

Name	Alfred Meijboom
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DATE OF PANEL DECISION 2018-06-21

Publish the Decision
