Decision for dispute CAC-UDRP-102253

Case number	CAC-UDRP-102253
Time of filing	2018-12-10 09:20:16
Domain names	bboursorama.com, boursoramaa.com, boursotama.com, boutsorama.com, bouursorama.com

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Brandsos.com

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any related proceedings.

IDENTIFICATION OF RIGHTS

Complainant is, inter alia, proprietor of the valid Union trademark 001758614 for BOURSORAMA registered on October 19, 2001 in several classes.

FACTUAL BACKGROUND

The Complainant, a French company, is active in online banking, financial information and online brokerage, with more than 1.500.000 customers. On its platform, Complainant receives 30 million monthly visits.

The disputed domain names were registered on December 3, 2018 and were redirected to landing pages which were linked to commercial pages, some of them in the assurance and banking business.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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 names are almost identical to the trademark BOURSORAMA of the Complainant since the only differences refer to an single letter added to Complainant´s trademark BOURSORAMA or replacing a letter by another one, i.e.:

- the addition of the letter "b" on second place, as in <bboursorama.com>;
- the addition of the letter "a" at the end, as in <boursoramaa.com>;
- replacing the second letter "r" by the letter "t", as in <boursotama.com>;
- replacing the first letter "r" by the letter "t", as in <boutsorama.com>;
- replacing the first letter "r" by the letter "u", as in <bouursorama.com>.

The Panel therefore considers the disputed domain names to be confusingly similar to the trademarks in which the Complainant have rights in accordance with paragraph 4(a)(i) of the Policy.

The Complainant's assertions that the Respondent is not commonly known by the disputed domain names and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed domain names on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. The Respondent has made no attempt to do so. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain names.

In view of the non-disputed assessment that the Complainant is a key player in online banking and financial information and in view of the significant number of monthly visits and in view of the fact that Complainant´s trademark has no meaning, the Respondent must have been well aware of the Complainant and its trademark when registering the disputed domain names differing only in one letter compared to Complainant´s trademark. The Complainant had not authorized the Respondent to make use of its mark. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the Respondent's approach to link the disputed domain names to commercial websites indicate that the Respondent registered and used the disputed domain names primarily with the intention of attempting to attract, for commercial gain, Internet users to its website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location.

The Panel therefore considers the disputed domain names to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BBOURSORAMA.COM**: Transferred
2. **BOURSORAMAA.COM**: Transferred
3. **BOURSOTAMA.COM**: Transferred
4. **BOUTSORAMA.COM**: Transferred
5. **BOUURSORAMA.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2019-01-24

Publish the Decision