Decision for dispute CAC-UDRP-102318

Case number	CAC-UDRP-102318
Time of filing	2019-01-30 10:21:00
Domain names	bollorre.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Noah

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Bolloré Group is the owner of several trademarks including or comprising the term “Bolloré”. They include, international trade mark registration No. 704697, which predominantly comprises that term, but to which a design element has been added around the letter "é". That mark was filed on December 11, 2019 in classes 16, 17, 34, 35, 36, 38 and 39 and has proceeded to registration in a large number of territories.

It is not entirely clear what is the exact legal entity in the Bolloré Group that owns this registered trademark, but it would appear from documents files in respect of an equivalent European trade mark registration to be Bolloré S.A.

The Panel therefore proceeds on the assumption that Bolloré S.A, is the formal Complainant in these proceedings.

FACTUAL BACKGROUND

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

The BOLLORE group 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 (please see their website at <www.bollore.com>).

It 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 still controlled by the Bolloré family. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments.

The Complainant also owns and communicates on the Internet through various domain names, the main one being <bollore.com>, registered on July 24, 1997.

The disputed domain name <bollorre.com> (the "Domain Name") was registered on January 17, 2019 and is inactive.

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 pre-dominant element of the trade mark relied upon by the Complainant is the term "Bollore". The Domain Name can be read as a misspelling of the textual element of that trade mark; i.e. without an acute accent over the letter "e" and additional letter "r", combined with the ".com" Top Level Domain. Given this the trade mark is clearly recognisable in the Domain Name and this is sufficient for a finding of confusing similarity under the Policy. The Complainant has therefore satisfied the requirements of paragraph 4(a)(i) of the Policy

Given that the Domain Name has not been used, it is not entirely clear why the Domain Name was registered. However, there is no suggestion or evidence that "Bollorre" has any obvious meaning other than as a misspelling of the Complainant's name. Therefore, the Panel is prepared to conclude that this was the deliberate intention of the Respondent. Given this it is difficult to see how the Respondent would have a right or legitimate interest in that Domain Name, and it also seems more likely that not that the Domain Name was registered and has been held to take some unfair advantage of the Complainant's rights.

On that basis the Panel concludes that the Complainant has sufficiently demonstrated a lack of rights or legitimate interests on the part of the Respondent and registration and use in bad faith. The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(ii) and (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. **BOLLORRE.COM**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2019-02-26

Publish the Decision