Decision for dispute CAC-UDRP-102362

Case number	**CAC-UDRP-102362**
Time of filing	**2019-02-19 09:41:07**
Domain names	**boursorama.space**

Case administrator

Name	**Šárka Glasslová (Case admin)**

Complainant

Organization	**BOURSORAMA SA**

Complainant representative

Organization	**Nameshield (Enora Millocheau)**

Respondent

Organization	**Dallel Bensadallah**

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant submitted evidence that it is the registered owner of a European Union trademark 001758614 "BOURSORAMA" (word trademark, registered on 19 October 2001), valid for the following classes:

9 Data-processing equipment and computers; computer software; financial information software;
16 Newspapers; periodicals;
35 Advertising, business management; business administration; rental of advertising space on computer media;
36 Insurance underwriting; financial affairs; monetary affairs; real-estate affairs; financial information services; listing of financial information;
38 Telecommunications; press and information agencies; communication by computer terminals; telecommunications via a network for making financial transactions and all business applications; telecommunications via a data transmission network; transmission of information accessible via computer terminals;
41 Publication of financial information; publication of financial information services; publication of financial information on the Internet;
42 Computer programming and programming by computers; consultancy in the field of computers; computer software design and rental; leasing of access time to a computer data base server centre.

FACTUAL BACKGROUND

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

Founded in 1995, the Complainant is a pioneer and leader in three core businesses, particularly in Europe: online brokerage, financial information on the Internet, and online banking.

In France, BOURSORAMA is the online banking reference with over 1,5 million customers. The portal <boursorama.com> is the first national financial and economic information site and first French online banking platform.

The Complainant is the owner of several trademarks "BOURSORAMA".

The Complainant also owns a number of domain names, consisting of the same wording "BOURSORAMA", including the domain name <boursorama.com>, registered since 1 March 1998.

The disputed domain name <boursorama.space> was registered on 13 February 2019, well after the registration of the Complainant's trademark(s) and well after the registration of the Complainant's domain name <boursorama.com>.

The disputed domain name is connected to a parking page.

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. Identical or confusingly similar

The disputed domain name consists of the Complainant's trademark BOURSORAMA, with the addition of the “.space” suffix. This addition may be disregarded when it comes to considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights.

Given the fact that the registered BOURSORAMA trademark of the Complainant is entirely taken over in the disputed domain name, and given the fact that only the “.space” suffix is added, the Panel concludes that the disputed domain name is identical or at least confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

B. Rights or legitimate interests:

The Respondent did not file an administratively compliant (or any) response. In the circumstances, the Panel finds from the facts put forward that:

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that he Respondent is not affiliated with or related to the Complainant's business.

The Complainant asserts that the Respondent is not known under the disputed domain name, but as "Dallel Bensadallah".

The Complainant further asserts that the Respondent is not affiliated with nor authorised by the Complainant in any way. The Complainant specifically asserts that the Respondent is not authorised or licensed to use the Complainant's trademark BOURSORAMA.

The Complainant further asserts that it does not carry out any activity for, nor has any business with the Respondent.

The Respondent does not appear to have any trademark rights or legitimate interests associated with the disputed domain name, nor with the word BOURSORAMA.

The website available through the disputed domain name is a parking page.

There is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks at issue.

The Complainant contends that the Respondent did not make any use of disputed domain name since its registration. The Complainant further contends that the Respondent has no demonstrable plan to use the disputed domain name.

The contentions of the Complainant are not contested by the Respondent in any way.

The Panel takes into account that the disputed domain name has been registered for a relatively short period of time, and that the Respondent had relatively little time to make a genuine use of the disputed domain name.

Nevertheless, the Panel finds the arguments put forward by the Complainant convincing, in particular the arguments that the Respondent is not commonly known by the domain name, is not authorised by the trademark owner (i.e., the Complainant) to make use of the trademark, and is not affiliated in any way with the Complainant.

On the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C. Bad faith registration and use:

The Panel notes that the BOURSORAMA trademark in which the Complainant has rights predates the registration of the disputed domain name.

The Complainant asserts that its trademark BOURSORAMA is well-known, famous and distinctive, and that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark.

The disputed domain name is a so-called "parked domain". The Complainant asserts that the Respondent has not demonstrated any activity in respect of the disputed domain name.

The Panel finds that there is sufficient evidence to conclude that the disputed domain name was registered and used in bad faith. In the absence of any evidence to the contrary (or any administratively compliant response) being put forward by the Respondent, the Panel believes from the facts in this case that the Respondent had the BOURSORAMA trademark(s) of the Complainant in mind when registering and using the disputed domain name. The Panel refers in particular to the fact that the BOURSORAMA trademark of the Complainant is well-know, and that the Respondent has his address in France (i.e., the home country of the Complainant). The Panel notes that the Respondent also submitted a French telephone number and fax number at the time of registration of the disputed domain name.

The Panel believes that this is a typical case of cybersquatting whereby the Respondent reflects a registered trademark in a domain name, while only adding the suffix ".space".

In light of these facts, it is highly unlikely that the Respondent would not have been aware of the unlawful character of the disputed domain name at the time of its registration and use.

For the reasons set out above, the Panel determines that the disputed domain name was registered and is being used in bad faith within the meaning of 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. **BOURSORAMA.SPACE**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2019-03-28

Publish the Decision