Decision for dispute CAC-UDRP-102394

Case number	**CAC-UDRP-102394**
Time of filing	**2019-03-14 09:32:34**
Domain names	**boursotechnique.com**

Case administrator

Name	**Šárka Glasslová (Case admin)**

Complainant

Organization	**BOURSORAMA SA**

Complainant representative

Organization	**Nameshield (Enora Millocheau)**

Respondent

Name	**rida salhi**

OTHER LEGAL PROCEEDINGS

The Panelist is not aware of any other legal proceedings, pending or decided, which would be related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the trademark BOURSO, registered in France since 2000-02-22 (Reg.No.3009973) among others for information processing, software; financial information software; business management; commercial administration; communication by computer terminals; telecommunications network for financial operations and all applications in business; telematic network; programming for and by computer.

FACTUAL BACKGROUND

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

The disputed domain name <boursotechnique.com> was registered on 2019-03-05. The Complainant indicates that it redirected to the URL <www.boursalroma.com> i.e. to a login page displaying the Complainant trademark, logo and color scheme and login page asking for the Complainant's customers user name ("Identifiant" in French) and the password ("Mot de passe" in French). The Complainant shows that the disputed domain name is now inactive.

The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. The

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark BOURSO or to apply for registration of the disputed domain name <boursotechnique.com>. Moreover, the Complainant states that the Respondent used the <boursotechnique.com> to redirects to the URL <boursalroma.com> and to pass off as the Complainant.

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 domain name is confusingly similar to the trademark BOURSO. The addition of the generic word "technique" in the disputed domain name is not sufficient to avoid the likelihood of confusion with the trademark BOURSO. Furthermore, the addition of the gTLD ".COM" does not change the overall impression of the designation as being connected to the Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant´s trademark.

The Respondent has no rights or interests in respect of the domain name and is not related to the Complainant's business. The Respondent was not licensed or authorized by the Complainant to register the disputed domain name. The Respondent has not developed demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services, as the domain name <boursotechnique.com> resolved to the webpage of the Complainant.

The Complainant and its distinctive trademark are known by a significant portion of the public through its online banking services. Also the Respondent was aware of the Complainant and its trademark as he resolved the domain name <boursotechnique.com> to the webpage of the Complainant trying to collect customers ID and passwords of the Complainant´s customers. The domain name was therefore registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOURSOTECHNIQUE.COM**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2019-04-21

Publish the Decision