Decision for dispute CAC-UDRP-102388

Case number	CAC-UDRP-102388
Time of filing	2019-03-12 13:39:23
Domain names	boursalroma.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	mustapha rojola

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of EU registered trademark no. 001758614 for BOURSORAMA registered as a word mark since 19 October 2001 in classes 9, 16, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

The Complainant provides online banking, online brokerage and financial information. It has more than 1.7 million customers and 300,000 exchange accounts, and its website at <www.boursorama.com> receives 25 million visits per month. It has registered BOURSORAMA as a trademark since 2001.

The Respondent registered the disputed domain name on 6 March 2019. The domain name was initially directed to a location without accessible content. It was subsequently directed to a web page which displayed the name "Boursorama Banque" in a similar font to that used by the Complainant for its mark and accompanied by a similar arrow device to that used by the Complainant. This page invited the user to enter his/her username and password. This page has since been removed. At the time of the Complaint the disputed domain name did not locate any web content and at the time of this decision it locates a parking page.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark BOURSORAMA.

The Panel considers that the diputed domain name is confusingly similar to this mark, from which it differs only slightly. This conclusion is reinforced by the clear evidence from the web page posted by the Respondent, displaying the Complainant's mark, which shows that the disputed domain name was intended to be taken as a domain name of the Complainant.

Accordingly, 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 Panel finds on the evidence that the Respondent has not used or made preparations to use the disputed domain name for any bona fide offering of goods or services. As discussed below, the use made of the disputed domain name was not bona fide, but in clear bad faith.

The Respondent is not commonly known by the disputed domain name or any corresponding name and has not made any legitimate non-commercial or fair use of it.

The Complainant has not authorised the Respondent to use the disputed domain name and is not connected with the Respondent.

On the evidence, there is no other basis on which the Respondent could claim any rights or legitimate interests in the disputed domain name.

In these circumstances, 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 Panel finds that the disputed domain name has been used for the purpose of phishing confidential information from customers of the Complainant that would enable their bank accounts with the Complainant to be accessed and potentially the theft of funds from them.

This use was clearly in bad faith and the Panel infers that the disputed domain name was registered for this purpose. Although this use has now been paused, by retaining the disputed domain name the Respondent threatens to resume this activity, and this also constitutes a continuing use in 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

Disputed domain name is very similar to established and extensively used mark of the Complainant. Respondent has no entitlement or connection to the mark, but has used it to phish usernames and passwords of customers of the

Complainant's banking service. Respondent therefore has no rights or legitimate interests and the disputed domain name was registered and is being 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. **BOURSALROMA.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2019-04-27

Publish the Decision