Decision for dispute CAC-UDRP-102438

Case number	CAC-UDRP-102438
Time of filing	2019-04-12 12:32:24
Domain names	sa-bollore.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	BOLLORE SA

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant uses the domain name "bollore.com" which is connected to the official website of the Complainant. The Complainant is further the owner of international trade mark registration number 704697 for the name "Bollore" in international classes 16, 17, 34, 35, 36, 38, 39 with a priority date of 01.07.1998.

FACTUAL BACKGROUND

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

The Complainant is one of the 500 largest companies in the world. It has its seat in France and is listed on the Paris Stock Exchange. Its activities are centred on three business lines: transportation and logistics, communication and media, and electricity storage and solutions. The Complainant uses the domain name "bollore.com", which it registered 24.07.1997, to communicate on the Internet and is the owner of the corresponding trade mark for the name "Bollore".

The Respondent registered the disputed domain name "sa-bollore.com" on 07.04.2019 and it currently resolves to an error page. It appears that the disputed domain name has never been used for an active website since it was registered.

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 Panel finds that the disputed domain name “sa-bollore.com” is confusingly similar to the Complainant’s trade mark.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. There is further no indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. Indeed, the Panel notes that the disputed domain name is not being used for any active web site but resolves to an error page.

The Respondent is not affiliated with the Complainant in any way and is neither licensed nor otherwise authorised to apply for or use the disputed domain name.

Absent any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name “sa-bollore.com”.

The Complainant has established by reference to domain name decisions by other panels (CAC cases number 101498, Bollore SA -v- Naquan Riddick, and 101696, Bollore -v- Hubert Dadoun) that the name "Bollore" is considered to be distinctive and well-known. The Panel agrees with the Complainant's assertion by reference to WIPO cases number D2000-3, Telstra Corporation Limited -v- Nuclear Marshmallows, and D2000-0400, CBS Broadcasting -v- Dennis Toeppen, that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Absent any Response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name “sa-bollore.com” in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SA-BOLLORE.COM**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht**

DATE OF PANEL DECISION	2019-06-03

Publish the Decision