Decision for dispute CAC-UDRP-102517

Case number	CAC-UDRP-102517
Time of filing	2019-06-05 11:35:13
Domain names	groupboursorama.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Gilles Verdez

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of a EU trademark "BOURSORAMA" registered in 2001 in classes 9, 16, 35, 36, 3841, and 42, as well as several domain names, such as <boursorama.com>.

FACTUAL BACKGROUND

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

The Complainant is a company active in Europe, particularly in France. The Complainant provides online brokerage internet banking services and digital financial information. The Complainant uses, inter alia, the domain name <boursorama.com> and its trademark BOURSORAMA for its services and as company name.

The Respondent registered the disputed domain name <groupboursorama.com> on May 30, 2019. The disputed domain name links to a parking website offering further links to financial services offerings related to 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

I. As Respondent did not file any response, Panel may draw such inferences therefrom as it considers appropriate (paragraph 14 (b) of the Rules). Particularly, Panel may accept the contentions of the Complainant as admitted by the Respondent.

II. The Complainant has proven that it has own registered trademark rights in the trademark "BOURSORAMA" for, inter alia, financial services.

The disputed domain name is confusingly similar to its trademarks, as the generic terms "group" and ".com" are not able to distinguish the disputed domain name from the trademark of the Complainant. Moreover, the term "group" rather seems to pretend that under the disputed domain name information of the group of companies of the Complainant could be available. Further, the users understand ".com" as a top level domain.

The Respondent has no rights or legitimate interest in the disputed domain name in dispute, as he is not known under the disputed domain name. The Complainant contends that the Respondent has made no use of, or demonstrated preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. It is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the domain names holder’s name or contact details contain no reference to BOURSORAMA or a similar word or name. The disputed domain name is used for a parking website only, which refers to services related to the Complainant.

In lack of 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.

The Respondent has registered the disputed domain name in bad faith and is using it in bad faith. The Complainant proved that the Respondent intends to attract internet users for commercial gain by creating a likelyhood of confusion with the Complainant. As the Respondent is a resident of France, it seems unlikely that the Respondent did not know the Complainant or its business. The references on its parking website prove that the Respondent knew the type of business the Complainant has.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **GROUPBOURSORAMA.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2019-07-22

Publish the Decision