Decision for dispute CAC-UDRP-102570

Case number	CAC-UDRP-102570
Time of filing	2019-07-09 09:56:21
Domain names	biursorama.com, boursorana.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	zhang wei

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademark registrations consisting of the term “BOURSORAMA”, in particular European Union trademark BOURSORAMA no. 1758614 registered on October 19, 2001.

FACTUAL BACKGROUND

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

The Complainant is BOURSORAMA S.A. It results from the Complainant’s undisputed allegations that it was founded in 1995 and has been growing in Europe with the emergence of e-commerce and the continuous expansion of the range of financial products online. In addition, its three core businesses are: online brokerage, financial information on the Internet and online banking. In France, BOURSORAMA is the online banking reference with more than 1,700,000 customers.

The Complainant is also the owner of the domain name <www.boursorama.com> (registered on March 1, 1998), that is in France the first national financial and economic information site and online banking platform, with more than 30 million monthly visits in late 2017.

The disputed domain names <biursorama.com> and <boursorana.com> were registered on July 2, 2019 and resolved to a parking page displaying sponsored links.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

1. The Panel finds that the disputed domain names <biursorama.com> and <boursorana.com> are confusingly similar to the Complainant's trademark "BOURSORAMA". In the case at issue the Complainant's registered trademark "BOURSORAMA" is almost fully included in the disputed domain names.

On this regard, it is the view of this Panel that both the deletion of the vocal "o" - substituted by the addition of the vocal „i" - between the letters "b" and "u" for the disputed domain name <biursorama.com>, and the deletion of the consonant "m" - substituted by the addition of the consonant „n" - between the vocals "a" and "a" for the disputed domain name <boursorana.com> result to be an irrelevant minor variation and a common, obvious or intentional misspelling when typing the trademark "BOURSORAMA". Thus the misspelled trademark remains the dominant or principal component of the domain names (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") at point 1.10.

2. In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. In addition, the Respondent is not commonly known by the disputed domain names.

Finally, the websites to which the disputed domain names respectively resolved are parking pages displaying sponsored links. Such use can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

3. Finally, the Panel finds that the disputed domain names have been registered and are being used in bad faith.

It is the view of this Panel that the Respondent has intentionally registered the disputed domain names which employ a misspelling of the trademark BOURSORAMA of the Complainant, that has been established almost twenty-five years ago. By the time the disputed domain names were registered, it is unlikely that the Respondent did not have knowledge of the Complainant's rights on its trademark BOURSORAMA. The Complainant also proved that the Respondent was using the disputed domain names to lead to parking pages, displaying sponsored links, so that the Panel is satisfied that the disputed domain names are used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location, or of a product or service on the Respondent's web site or location. The finding of bad faith is also confirmed by the fact that Respondent failed to submit a response.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BIURSORAMA.COM**: Transferred
2. **BOURSORANA.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2019-08-16

Publish the Decision