Decision for dispute CAC-UDRP-102593

Case number	CAC-UDRP-102593
Time of filing	2019-07-26 09:18:58
Domain names	bollore.club

Case administrator

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

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Flor Walden

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, inter alia, International Trademark "Bolloré" (device) with registration nr 704697 since 1998 (the "Trademark"). The Complainant is also the owner of domain names including the trademark BOLLORE, such as the domain name <bollore.com>, registered since July 24, 1997. The disputed domain name <bollore.club> was registered on July 22, 2019 and redirected Internet users to the Complainant's official website at <www.bollore.com>, and is currently inactive.

FACTUAL BACKGROUND

Facts asserted by the Complainant and not contested by the Respondent:

The Complainant contends that the Bolloré group was founded in 1822 and now holds strong positions in all its activities around three business lines, such as transportation and logistics, communication and media, electricity storage and solutions. It is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments.

The Complainant asserts that the disputed domain name is identical to the Trademark. Further, according to the Complainant the Respondent does not have any rights or legitimate interest in the disputed domain name because the Respondent is not identified in the Whois register as the owner of the disputed domain name, not known under the disputed domain name and not affiliated with nor authorized by the Complainant in any way. Neither a license nor authorization has been granted by the Complainant to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name. Furthermore, the disputed domain name is redirected to the Complainant's official website so that the Respondent is not making a bona fide offering of goods or services by means of the disputed domain name or a legitimate non-commercial or fair use of it.

The Complainant further claims that the Respondent has registered and is using the disputed domain name in bad faith because the Trademark is distinctive and well-known and the Complainant considers it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the Trademark. The Complainant also contends that the disputed domain name was registered by the Respondent in an effort to take advantage of the good reputation the Complainant had built up in its Trademark with the sole aim to create a likelihood of confusion with the Trademark.

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

1. A top level domain is a prerequisite part of a domain name and, in principle, not relevant to establish if the disputed domain name is identical or confusingly similar to the Complainant's trademark. In this matter the Panel finds that the disputed domain name is identical to the Trademark.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Trademark in mind when registering the disputed domain name, which was therefore registered and has been used in bad faith, in order to prevent the Complainant

from reflecting the Trademark in a corresponding domain name, which constitutes a clear case of cybersquatting.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLORE.CLUB**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2019-09-04

Publish the Decision