Decision for dispute CAC-UDRP-102618

Case number	CAC-UDRP-102618
Time of filing	2019-08-08 13:09:47
Domain names	bollorez.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	William Cameron

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

Complainant is the owner of several trademarks including the term “BOLLORE”, such as the international trademark registration BOLLORE n° 704697.

The Complainant also owns and communicates on the Internet through various domain names, the main one being <bollore.com>, registered on July 24th, 1997.

FACTUAL BACKGROUND

The BOLLORE group was founded in 1822 and holds strong positions in all its activities around three business lines: 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 controlled by the Bolloré family. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments.

Complainant is the owner of several trademarks including the term “BOLLORE”, such as the international trademark

registration BOLLORE n° 704697.
The Complainant also owns and communicates on the Internet through various domain names, the main one being <bollore.com>, registered on July 24th, 1997.

The disputed domain name <bollorez.com> was registered on August 1st, 2019 and is currently inactive.

This Complaint is based on the following grounds and arguments:

The Complainant states that the disputed domain name <bollorez.com> is confusingly similar to the Complainant's trademark BOLLORE, because the trademark BOLLORE is included in its entirety.

The Complainant contends that addition of the letter "Z" at the end of the trademark does not change the overall impression of the designation as being connected to the Complainant's trademark.

In the view of Complainant this is a clear case of "typosquatting", i.e. the disputed domain name contains an obvious misspelling of the Complainant's trademark. Previous panels have found that the slight spelling variations does not prevent a disputed domain name from being confusingly similar to the complainant's trademark.

Moreover, the Complainant contends that the addition of the generic Top-Level Domain suffix ".COM" does not change the overall impression of the designation as being connected to the trademark BOLLORE. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Therefore, the Complainant contends that the disputed domain name is confusingly similar to Complainant's trademark BOLLORE.

The Complainant states that the Respondent does not have any rights or legitimate interest in the domain name.

The Complainant asserts that the Respondent is not identified in the WHOIS database as the disputed domain name, but as "William Cameron".

The Complainant contends that the Respondent is not affiliated with nor authorized by BOLLORE in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Moreover, neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademark BOLLORE, or apply for registration of the disputed domain name <bollorez.com> by the Complainant.

The Complainant also claims that the disputed domain name is a typosquatted version of the trademark BOLLORE.

The disputed domain name is furthermore inactive. Therefore, the Complainant contends that Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interests in respect of the disputed domain name.

Accordingly in the view of Complainant, the Respondent has no rights or legitimate interests to the disputed domain name <bollorez.com>.

The Complainant contends that the domain name has been registered and is being used in bad faith, because of registration of a well-known/famous trade mark, misspelling/typosquatting. Furthermore, because the website is inactive and the disputed domain name is not used.

The Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark.

Moreover, the Complainant states that the disputed domain name is confusingly similar to its trademark and branded goods BOLLORE. Indeed, the addition of the letter “Z” at the end of the trademark is not sufficient to escape the finding that the domain name is confusingly similar to the trademark BOLLORE. The Complainant states that this misspelling was intentionally designed to be confusingly similar with the Complainant’s trademark.

Furthermore, the disputed domain name resolves to an inactive page. The Complainant argues Respondent has not used the disputed domain name in connection with the offering of any services or in relation with an active website.

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

A. Confusing Similarity

The Complainant has rights in the mark by virtue of its registered trademark Bollore.

The disputed domain name incorporates the whole of the Complainant’s Bollore trademark, and adds the letter “z" at the end of the disputed domain name and the gTLD suffix “.com".

Many UDRP panels have found that a disputed domain name is confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark in its entirety (e.g.Volkswagen AG v. Nowack Auto und Sport - Oliver Nowack, WIPO Case No. D2015-0070; Chloé S.A.S. v. DVLPMNT Marketing, Inc., WIPO Case No. 2014-0039). The Panel shares this view in the case at issue where the Complainant’s registered trademark Bollore is fully included in the disputed domain name and combined with the addition of the letter "z", and the gTLD suffix “.com”.

The Panel agrees with the Complainant that the addition of the letter "z" without space or hyphen at the end of the disputed domain name and the gTLD “.com” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark Bollore, as the trademark Bollore at the more important beginning of the disputed domain name is the only distinctive part of the disputed domain name.

It is the consensus practice of past UDRP panels that TLDs, in this case “.com”, should be disregarded when comparing domain names with trademarks.

Therefore the Panel finds, that the disputed domain name is confusingly similar to the Complainant's trademark Bollore.

B. Rights or Legitimate Interests

When a respondent remains completely silent in the face of a prima facie case that it lacks any rights or legitimate interests in respect of a domain name, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. Here the Complainant has presented an abundance of evidence to show that the Respondent has no plausible right or legitimate interest in respect of the disputed domain name and the Panel so finds.

C. Bad Faith

The Panel believes that Respondent registered the disputed domain name with knowledge of Complainant's rights. The Disputed domain name was registered more than two decades after the registration of the trademarks and the domain names of the Complainant and Complainant used it widely since then.

It has been concluded in the past that the Complainant's trademark is well-known (CAC case No. 102015, BOLLORE SA v. mich john or No. 101696, BOLLORE v. Hubert Dadoun). It could be therefore concluded that the Respondent had the Complainant and its trademark in mind when registering the disputed domain name.

Given the distinctiveness of the Complainant's trademarks and reputation, it is therefore reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Moreover, the Respondent is not making an active use of the disputed domain name. The disputed domain name was registered on August 1st, 2019, and redirects to a registrar default page.

On these grounds, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLOREZ.COM**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2019-09-24

Publish the Decision