Decision for dispute CAC-UDRP-102561

Case number	CAC-UDRP-102561
Time of filing	2019-07-08 16:35:09
Domain names	bollorefinances.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	monika dasilva

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several international trademark registrations BOLLORE, including the international figurative trademark registration BOLLORE with number 704697, registered on 11 December 1998 (the "BOLLORE trademark").

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

FACTUAL BACKGROUND

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

Bolloré, the Complainant, was founded in 1822 in France and is currently one of the 500 largest companies in the world. It holds strong positions in all its activities around three business lines: Transportation and Logistics, Communication and Media, Electricity Storage and solutions. In addition to its activities, BOLLORE manages a number of financial assets including plantations and financial investments (see www.bollore.com).

The Respondent registered the disputed domain name on 27 June 2019.

I. The Complainant states that the disputed domain name is confusingly similar to its BOLLORE trademark.

The disputed domain name "bollorefinances.com" contains the BOLLORE trademark in its entirety.

In this context, it is generally found that "a domain name that wholly incorporates a Complainant's registered trademark may be sufficient to establish confusing similarity". The addition of the generic term "FINANCES" does not prevent the likelihood of confusion between the disputed domain name and the BOLLORE trademark.

Thus, the disputed domain name is confusingly similar to the BOLLORE trademark of the Complainant.

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

The Complainant contends that the Whois information of the Respondent is not similar to the disputed domain name and that therefore the Respondent is not commonly known under the disputed domain name.

The Complainant furthermore 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.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademarks BOLLORE, or apply for registration of the disputed domain name by the Complainant.

Furthermore, the disputed domain name redirects to a website written in French that refers to proposals for bank loans. Based on these facts, the Complainant contends that the Respondent registered the disputed domain name in order to create a likelihood of confusion.

Accordingly, the Complainant contends that the Respondent has no rights or legitimate interests to the disputed domain name "bollorefinances.com".

III. The Complainant asserts that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that it is inconceivable that the Respondent has registered the disputed domain name "bollorefinances.com" without actual knowledge of Complainant's trademark rights, since the disputed domain name currently points to a website where the Complainant’s BOLLORE trademark and logo are displayed.

On this basis, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

PARTIES CONTENTIONS

No administratively compliant Response has been filed by the Respondent.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to be 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

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 Domain Name to have 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 is confusingly similar to the Complainant’s BOLLORE trademark.

The Panel further finds that the Complainant successfully contends that the Respondent also has no rights or legitimate interests in respect of the disputed domain name.

The Complainant asserts that the Respondent is not commonly known under 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 BOLLORE trademark , or to apply for registration of the disputed domain name "bollorefinances.com" by the Complainant. The Panel notes that the Respondent's name or contact details contain no reference to BOLLORE or a similar word or name. The disputed domain name redirects to a website written in French that refers to proposals for bank loans. There is no information about the company “BOLLORE FINANCES” on this website.

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 “bollorefinances.com”.

Finally, the Complainant also proved that the disputed domain name currently points to a website where the Complainant’s BOLLORE trademark and logo are displayed, which shows that the Respondent has knowledge of the Complainant's rights prior to the registration of the disputed domain name. The Complainant successfully contends that the Respondent is using the domain name to attempt to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Complainant.

Accordingly, in lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and is using the disputed domain name “bollorefinances.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. **BOLLOREFINANCES.COM**: Transferred

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2019-12-19

Publish the Decision