Decision for dispute CAC-UDRP-102860

Case number	CAC-UDRP-102860
Time of filing	2020-01-15 12:50:25
Domain names	cif-boursorama.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	benoit vercoutere

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 owns EU trademark with no. 01758614 BOURSORAMA for goods and services in classes 9, 16, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

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

Founded in 1995, the Complainant is active in the field of e-commerce and continuously expands its range of financial products online in Europe and more notably in France where it has over 2 million customers for its online banking services.

The Complainant alleged that the disputed domain name is confusingly similar to its trademark BOURSORAMA as the disputed domain name includes the Complainant’s trademark in its entirety, while "CIF", representing “Conseiller en investissements financiers”, or in English “Financial investment advisor”, does not change the overall impression of the designation.

The Complainant further asserted that the Respondent is commonly known by a disputed domain name, and was neither licensed nor otherwise authorized by the Complainant to use its trademark BOURSORAMA as part of the disputed domain name. Therefore the Respondent does not have any rights or legitimate interest in the disputed domain name.

The Complainant's trademark BOURSORAMA is well knows and the Complainant contended that is therefore reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark BOURSORAMA. Furthermore, the disputed domain name resolves to a page without any substantial content. The Complainant claimed that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, an infringement of the Complainant’s rights under trademark law, or an attempt to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with Complainant's trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. On these bases, the Complainant concluded that the Respondent has registered and is using the disputed domain name in bad faith.

PARTIES CONTENTIONS

No 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. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark BOURSORAMA, which has been taken in its entirety in the disputed domain name. The prefix "CIF-" represents the term “Conseiller en investissements financiers”, which is commonly used in France in relation to financing, and which addition is too insignificant to the overall impression.

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 Complainant's trademarks BOURSORAMA in mind when registering the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of the Complainant's trademark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CIF-BOURSORAMA.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2020-02-25

Publish the Decision