Decision for dispute CAC-UDRP-102963

Case number	CAC-UDRP-102963
Time of filing	2020-03-12 09:41:56
Domain names	bollone.com

Case administrator

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

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	ca hy

OTHER LEGAL PROCEEDINGS

The Panel is unaware of other legal proceedings relating the disputed domain name.

IDENTIFICATION OF RIGHTS

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

The Complainant, established since 1822, is one of the world's leading company in the Transportation and Logistics, Communication and Media, Electricity Storage and solutions, extensively using its corporate domains including <bollore.com> to provide information through the internet.

FACTUAL BACKGROUND

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

Thanks to a diversification strategy based on innovation and international development, it now holds strong positions in all its activities around three business lines: Transportation and Logistics, Communication and Media, Electricity Storage and solutions (please see their website at: www.bollore.com).

The Complainant states that the disputed domain name is confusingly similar to its trademarks BOLLORE and its domain

names associated. The substitution of the letter “R” by the letter “N” in the trademark BOLLORE is not sufficient to exclude the likelihood of confusion existing, as they look highly similar.

The Respondent is deprived of any right or legitimate interest in the using of the disputed domain name. Also, the Complainant contends that the Respondent did not make any use of disputed domain name since its registration, and it confirms that the 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.

The Complainant contends the Respondent has registered the disputed domain name in knowledge of the Complainant, and in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, with respect to paragraph 4(a)(ii) of the Policy.

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

The Panel is satisfied with all arguments submitted by the Complainant with regards to a) the confusing similarity of the disputed domain name and the Complainant's trademarks; b) lack of legitimate interest and c) bad faith either in the registration and usage of the disputed domain name.

On the basis of all evidences and arguments the Panel is persuaded this is ultimately another attempt to exploit the goodwill and reputation of the well-known BOLLORE trademark, by means of typical typosquatting conduct, which have been already found by several other panels in dozens of disputes, including: CAC Case No. 102015; CAC Case No. 101696.

With regards to the first requirement, the Panel accepts the Complainant's argument that this case falls under the following point of the WIPO 3.0 Jurisprudential Overview, section 1.9: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLONE.COM**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2020-04-23

Publish the Decision