Decision for dispute CAC-UDRP-102985

Case number	CAC-UDRP-102985
Time of filing	2020-03-20 10:14:19
Domain names	bollore-transport-lgistics.com

Case administrator

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

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Fundacion Comercio Electronico

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Bolloré Group (the Complainant) was founded in 1822. 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 (see their website at: www.bollore.com).

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. This stable majority control of its capital allows the Group to develop a long-term investment policy. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments.

Bolloré Transport & Logistics is one of the 10 leading worldwide groups in transport organization and logistics. With a presence on the five continents, (601 agencies in 105 countries and more than 11,000 employees), Bolloré Logistics aims to consolidate the strength and reach of its international network through organic growth and targeted acquisitions (see for information www.bollore-transport-logistics.com).

Complainant is the owner of the international registration BOLLORE TRANSPORT & LOGISTICS n° 1302822 registered on

January 27, 2016.

Complainant also owns and communicates on Internet through various domain names, of which the domain name <bollore-transport-logistics.com> registered on September 30, 2015.

FACTUAL BACKGROUND

Complainant states that the disputed domain name <bollore-transport-lgistics.com> is confusingly similar to its trademark BOLLORE TRANSPORT & LOGISTICS and its domain name <bollore-transport-logistics.com>.

Indeed, the addition of the word “transport” and deletion of the letter “O” (for “LOGISTICS”) in the disputed domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to its trademark and branded goods BOLLORE TRANSPORT & LOGISTICS.

This is a clear case of typosquatting, the disputed domain name contains an obvious misspelling of the Complainant’s trademark: “BOLLORE TRANSPORT LGISTICS” instead of “BOLLORE TRANSPORT LOGISTICS”.

Previous panels have found that the slight spelling variations does not prevent a disputed domain name from being confusing similar to the complainant’s trademark. Please see prior UDRP cases:

- WIPO Case No. D2004-0296, Costco Wholesale Corporation v. Yong Li (<coscto.com>);

- WIPO Case No. D2015-0451, Clarins v. “-“, Unknown Registrant” / Registration Private, Domains By Proxy, LLC (<calrins.com>); or

- WIPO Case No. D2011-1658, Alstom v. Telecom Tech Corp./Private Registration (<asltom.com>).

Furthermore, the Complainant also claims that the disputed domain name is a typosquatted version of the BOLLORE TRANSPORT & LOGISTICS. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name.

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. The three essential issues under the paragraph 4(a) of the Policy are whether:

i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

ii. the Respondent has no rights or legitimate interests with respect to the disputed domain name; and

iii. the disputed domain name has been registered and is being used in bad faith.

2. The Panel reviewed carefully all documents provided by the Complainant. The Respondent did not provide the Panel with any documents or defensive statements. The Panel also visited all available websites and public information concerning the disputed domain name, namely the WHOIS databases.

3. The UDRP Rules clearly say in its Article 3 that any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules.

4. The Panel therefore came to the following conclusions:

a) The Complainant has clearly proved that it is a long standing and successful leading transport and logistic company. It is clear that its trademarks and domain names containing the term “BOLLORE” are well-known.

The Complainant states and proves that the disputed domain name is confusingly similar to its trademarks and its domain names. Indeed, the trademark is partially incorporated in the disputed domain name.

The disputed domain name is therefore deemed identical or confusingly similar.

b) It has to be stressed that it was proven that there are no fair rights of the Respondent to the disputed domain name. The Respondent is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in the name or mark.

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

The Panel therefore finds that the Respondent does not have rights or legitimate interest with respect to the disputed domain name.

c) The disputed domain name was registered with an intention to attract customers of another well-known domain name/registered trademark holder. Therefore there cannot be found any legitimate interest of the Respondent.

It is clear that the Complainant's trademarks and website(s) were used by the Complainant long time before the disputed domain name was registered and used. It is therefore concluded that the disputed domain name was registered with an intention to attract customers of another well-known domain name/registered trademark holder.

The Panel therefore finds that the disputed domain name has been registered and is being used 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. **BOLLORE-TRANSPORT-LGISTICS.COM**: Transferred

PANELLISTS

Name	**Dr. Vít Horáček**

DATE OF PANEL DECISION 2020-04-27

Publish the Decision