Decision for dispute CAC-UDRP-102973

Case number	CAC-UDRP-102973
Time of filing	2020-03-19 10:29:37
Domain names	boursoramag.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Super Privacy Service LTD c/o Dynadot

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of EU registered trademark no. 001758614 registered on 19 October 2001 (pursuant to an application of 13 July 2000) for the word mark BOURSORAMA.

FACTUAL BACKGROUND

Founded in 1995, the Complainant was a pioneer in its three core businesses of online brokerage, financial information on the Internet, and online banking. It now has over 2 million customers. Its portal at www.boursorama.com was the first national financial and economic information site and the first online banking platform in France.

The Complainant is the owner of EU trademark n° 001758614 for BOURSORAMA.

The disputed domain name <boursoramag.com> was created on 13 March 2020 and locates a parking page where it is offered for sale for USD 990. The Complainant has no links with the Respondent and has not authorised its use of the disputed domain name or its mark in any way.

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).

The Complainant is the proprietor of a registered Community trademark for the invented word BOURSORAMA. The domain name consists of this distinctive mark with an added letter "g" at the end, followed by the generic top level domain (gTLD) suffix .com.

The disputed domain name is liable to be typed instead of the Complainant's domain name consisting of its registered mark and the same gTLD suffix (typographical confusion). Alternatively, Internet users might think that the Complainant was using the disputed domain name as a combination of its registered mark and the first syllable of the French or English word "magazine" to refer to an information resource provided by the Complainant.

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).

On the undisputed evidence in the file, the only use of the disputed domain name made by the Respondent has been for a parking page offering it for sale. This does not constitute a bona fide offer of goods or services, nor legitimate non-commercial or fair use. The Complainant's statements that the Respondent is not commonly known by the disputed domain name and has not been authorised by the Complainant to use its mark are not disputed, and there is no reason to doubt them. There is nothing to suggest any other basis on which the Respondent could claim to have any right or legitimate interest in respect of the disputed domain name.

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).

The only use of the disputed domain name by the Respondent has been to offer it for sale on a parking page at a price substantially in excess of the cost of registration. These circumstances indicate that the disputed domain name was registered primarily for the purpose of sale to the Complainant or a competitor of the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs. In accordance with paragraph 4(b)(i) of the UDRP this constitutes evidence of registration and use in bad faith. There is no evidence displacing this presumption.

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

Domain name consisting of Complainant's registered mark and an additional letter, directed to parking page where it is offered for sale.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOURSORAMAG.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2020-05-03

Publish the Decision