Decision for dispute CAC-UDRP-103074

Case number	CAC-UDRP-103074
Time of filing	2020-05-22 10:40:51
Domain names	bollrore.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Doris Coperate

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

Complainant is owner of :
International Trademark 704697 Bolloré, registered on 11.12.1998.

FACTUAL BACKGROUND

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

CAC Case No. 102618, BOLLORE v. William Cameron. Where the Complainant’s registered trademark Bollore is fully included in the disputed domain name and combined with the addition of the letter "z", and the gTLD suffix “.com”, the Panel ruled that the addition of the letter "z" without space or hyphen at the end of the disputed domain name and the gTLD “.com” was not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and did not change the overall impression of the designation as being connected to the trademark Bollore, as the trademark Bollore at the more important beginning of the disputed domain name is the only distinctive part of the disputed domain name.

Past Panels have confirmed the notoriety of the trademarks BOLLORE® in the following cases:

- CAC Case No. 102015, BOLLORE SA v. mich john (“the Panel takes note, again, of the distinctiveness of the Complainant's brand and the intention that must be presumed to exist in registering a domain name bearing such confusing similarity with well-known brand name.”);
- CAC Case No. 101696, BOLLORE v. Hubert Dadoun (“As the Complainant is also one of the largest 500 companies in the world, the Panel accepts the Complainant's contention that their trademark has a strong reputation and is in fact to be considered well-known.”)".

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

No rights or legitimate interests
The Complainant has proved that Respondent lacks rights or legitimate interest in disputed domain name. Since the Respondent did not file any response, the Panel finds that Complainants contentions were not successfully disputed.
Bad faith
Likelihood of confusion with Complainants trademark.
Reference is also made to the evidence found of MX records connected to the disputed domain name. In a similar case the Panel decided in CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono that there is no present use of the disputed domain name but there were several active MX records connected to the disputed domain name. It was concluded that it is inconceivable that the Respondent would be able to make any good faith use of the disputed domain name as part of an e-mail address.
The MX records demonstrate that there is intent for use of email addresses connected to the DNS (domain name). The mail exchanger record (MX record) specifies the mail server which is responsible for accepting email messages on behalf of a domain name. Complainant has sufficiently demonstrated this evidence. The Panel is convinced that this is an indicator for bad faith of the registration.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLRORE.COM**: Transferred

PANELLISTS

Name	**Mr. E.J.V.T. van den Broek**

DATE OF PANEL DECISION 2020-06-19

Publish the Decision