Decision for dispute CAC-UDRP-103108

Case number	**CAC-UDRP-103108**
Time of filing	**2020-06-12 09:56:55**
Domain names	**login-boursorama.site**

Case administrator

Name	**Šárka Glasslová (Case admin)**

Complainant

Organization	**BOURSORAMA SA**

Complainant representative

Organization	**Nameshield (Enora Millocheau)**

Respondent

Organization	**A.M.D Corp**

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 is the owner of several trademarks BOURSORAMA, such as the European trademark n° 1758614 registered since 2001-10-19.

The Complainant also owns a number of domain names, including the same wording BOURSORAMA, such as the domain name <boursorama.com>, registered since 1998-03-01 and <boursorama-banque.com> registered since 2005-05-26.

FACTUAL BACKGROUND

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

The Complainant states that it is a pioneer and leader in online brokerage, provision of financial information on the Internet and online banking. It states that it was founded in 1995 with the advent of the web and since then has continued to innovate in order to meet the new banking expectations of the French in terms of autonomy, simplicity and savings. It also states that its web portal “www.boursorama.com” is the first national financial and economic information site and first French online banking platform.

The Complainant is the owner of several trademarks BOURSORAMA and a number of domain names, including the wording BOURSORAMA.

The disputed domain name <login-boursorama.site> was registered on June 6th, 2020 and resolves to a Registrar parking page with commercial links.

The Complainant states that the disputed domain name is confusingly similar to its trademark BOURSORAMA and its domain names associated. The disputed domain name includes in its entirety the Complainant's trademark.

The addition of the generic term "LOGIN" is in the view of Complainant not sufficient to escape the finding that the domain name is confusingly similar to the trademark BOURSORAMA. It does not change the overall impression of the designation as being connected to the Complainant's trademark BOURSORAMA. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and domain names associated.

Moreover, the Complainant contends that the addition of the new GTLD ".SITE" does not change the overall impression of the designation as being connected to the trademark BOURSORAMA of the Complainant. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Thus, the disputed domain name is confusingly similar to the Complainant's trademark.

In the view of Complainant, the Respondent does not have any rights or legitimate interest in the disputed domain name.

The Respondent is not known by the Complainant. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

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

Furthermore, the disputed domain name resolves to a parking page with commercial links. Past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Finally, it is in the view of Complainant reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. Accordingly, Respondent has no rights or legitimate interests in the disputed domain name.

Besides, the Complainant uses the domain name <boursorama-banque.com> to provide its customers information regarding its services.

Finally, all the Google results for a search of the terms "LOGIN BOURSORAMA" refers to the Complainant.

Thus, the Complainant contends that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark.

Furthermore, the disputed domain name redirects to a parking page with commercial links. The Complainant contends the Respondent has attempt to attract Internet users for commercial gain to his own website thanks to the Complainant's trademark for its own commercial gain, which is an evidence of bad faith.

On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

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

A. Confusingly Similar
Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has rights in the mark by virtue of its registered trademark BOURSORAMA.

The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates the well-established Trademark BOURSORAMA and the addition of the generic term "LOGIN" at the beginning of the second level domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark BOURSORAMA. It does not change the overall impression of the designation as being connected to the Complainant’s trademark BOURSORAMA.

It is well-established that “a domain name that wholly incorporates a Complainant’s registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP” (WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin).

Moreover, the addition of the new GTLD “.SITE” does not change the overall impression of the designation as being connected to the trademark BOURSORAMA of the Complainant. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Thus, the disputed domain name is confusingly similar to the Complainant's trademark BOURSORAMA

B. Rights or Legitimate Interests

When a respondent remains completely silent in the face of a prima facie case that it lacks any rights or legitimate interests in respect of a domain name, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. Here the

Complainant has presented an abundance of evidence to show that the Respondent has no plausible right or legitimate interest in respect of the disputed domain name and the Panel so finds.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Bad Faith

The Panel believes furthermore that Respondent registered the disputed domain name with knowledge of Complainant's rights. The disputed domain name was registered about twenty years after the registration of the well known Trademark and the domain name of Complainant and Complainant used it widely since then.

Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

The Panel is also satisfied that the disputed domain name has been used in bad faith. The Complainant has provided evidence that the website to which the disputed domain name resolves is a parking page with commercial links in relation to the Complainant’s activities. The Respondent has made no submissions in these proceedings and so the Panel infers that the Respondent has allowed the disputed domain name to be used with an intent to attract Internet users on its website by creating a likelihood of confusion with the Complainant’s trademark as to source, affiliation or endorsement.

On these grounds, the Panel concludes that the Respondent has registered and is using the disputed domain name 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. **LOGIN-BOURSORAMA.SITE**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2020-07-09

Publish the Decision