Decision for dispute CAC-UDRP-103182

Case number	CAC-UDRP-103182
Time of filing	2020-07-20 11:07:29
Domain names	boursorama-a.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Agathe Martin Sanchez

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the EU trademark "BOURSORAMA" filed on 13 July 2000 and registered under n° 001758614 for goods and services of classes 9, 16, 35, 36, 38, 41 and 42 (hereafter also: "the Complainant's trademark") and uses the domain names “boursorama.com” and "boursorama-banque.com", which are connected to the official website of the Complainant.

FACTUAL BACKGROUND

FACTS ASSERTED BY COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, BOURSORAMA S.A., was founded in 1995 and is growing within Europe for the range of financial products online. The Complainant is a pioneer and leader in the business of online brokerage, financial information on the internet and online banking. In France, the Complainant is the online banking reference. The Complainant uses the domain names “www.boursorama.com” and "boursorama-banque.com" and its EU trademark "BOURSORAMA" n° 001758614 in connection with online banking and financial products.

The Respondent registered the domain name “boursorama-a.com” on 13 July 2020 (hereafter also: "the disputed domain

name"). The dispute domain name is currently not used for an active website, but refers to a default page.

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 finds that the disputed domain name “boursorama-a.com” is confusingly similar to the Complainant’s trademark "BOURSORAMA".

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name, and is not commonly known under the disputed domain name. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark "BOURSORAMA", or apply for the registration of the disputed domain name "boursorama-a.com".

The Panel notes that the Respondent's name in the Whois database does not contain any reference to the disputed domain name or to "BOURSORAMA" or a similar word or name. The disputed domain name is also not used for any active website and only leads to a default page.

In lack of any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

These facts, including the absence of a Response, the proof that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark, and the absence of any activity in respect of the disputed domain name, also confirm that the disputed domain name has been registered in order to attempt to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with Complainant's well-known trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website.

Therefore, in lack of any response from the Respondent or any other information indicating the contrary, the Panel concludes that the Respondent has registered and uses the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOURSORAMA-A.COM**: Transferred

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2020-08-13

Publish the Decision