Decision for dispute CAC-UDRP-103186

Case number	CAC-UDRP-103186
Time of filing	2020-07-24 09:15:06
Domain names	boursoramafr.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	ROSAURA SAGESE

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any related proceedings.

IDENTIFICATION OF RIGHTS

Complainant is, inter alia, proprietor of the valid Union trademark 001758614 for BOURSORAMA registered on October 19, 2001 in several classes.

FACTUAL BACKGROUND

The Complainant, a French company, is active in online banking, financial information and online brokerage, with more than 2 million customers.

The disputed domain name was registered on July 29, 2020 and resolved in a webpage using the Complainant´s color scheme asking users for their ID number and password.

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 disputed domain name is almost identical to the trademark BOURSORAMA of the Complainant since the only difference are the additional two letters „fr“ at the end being an indication for „France“ and accordingly not distinctive.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademarks in which the Complainant have rights in accordance with paragraph 4(a)(i) of the Policy.

The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant is sufficient to constitute a prima facie showing the absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. The Respondent has made no attempt to do so. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

In view of the non-disputed assessment that the Complainant is a significant player in online banking and financial information and in view of the significant number of customers and in view of the fact that Complainant´s trademark has no meaning, the Respondent must have been well aware of the Complainant and its trademark when registering the disputed domain name differing only in two letters compared to Complainant´s trademark. The Complainant had not authorized the Respondent to make use of its mark. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the Respondent's approach to ask customers for their ID and password on a website using the same color scheme as the Complainant indicates that the Respondent registered and used the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOURSORAMAFR.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2020-08-31

Publish the Decision