Decision for dispute CAC-UDRP-103292

Case number	CAC-UDRP-103292
Time of filing	2020-09-17 10:41:40
Domain names	clientboursorama.net

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Melon Cyndie

OTHER LEGAL PROCEEDINGS

The Panel is not aware of 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 the EU trademark "BOURSORAMA" – Reg. No 1758614 – registered since October 19, 2001, in classes 9, 16, 35, 36, 38, 41, and 42.

The Complainant also owns a domain names portfolio including the wording “BOURSORAMA”, such as <BOURSORAMA.COM>, registered since March 1, 1998 and <BOURSORAMA-BANQUE.COM> registered since May 26, 2005.

The Disputed Domain Name <CLIENTBOURSORAMA.NET> was registered on September 9, 2020. It does not point to any web site.The Disputed Domain Name is not currently used for an active website.

FACTUAL BACKGROUND

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

The Complainant is a company active in Europe, particularly in France. The Complainant provides online brokerage internet banking services and digital financial information. The Complainant uses, inter alia, the domain names

<BOURSORAMA.COM> and <BOURSORAMA-BANQUE.COM> as well as its trademark BOURSORAMA for its services and as company name.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The Disputed Domain Name is confusingly similar to the trademark “BOURSORAMA” of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademark rights concerning the term BOURSORAMA”. The Disputed Domain Name includes the Complainant's trademark in its entirety.

Further, the Disputed Domain Name is confusingly similar to its trademarks, as the generic terms "CLIENT" and ".NET" are not able to distinguish the Disputed Domain Name from the trademark of the Complainant. Moreover, the term "CLIENT" rather seems to aim for imitation of the Complainant’s customer access, available under the subdomain “CLI-ENTS.BOURSORAMA.COM”, which intensives the potential for a likelihood of confusion even more. Also, the addition of the gTLD suffix “.NET” is not sufficient to escape the finding that the Disputed Domain Name is identical to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

B. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the Disputed Domain Name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its mark in a domain name. Furthermore, the Disputed Domain Name does not correspond to

the name of the Respondent and the Respondent is not commonly known as “BOURSORAMA".

In addition, the Disputed Domain Name does not link to any content website. This is an indication that the Respondent lacks rights and legitimate interests in the Disputed Domain Name. It indicates also, that there is no evidence for a use of the Disputed Domain Name for any bona fide offer of goods or services or a legitimate non-commercial or fair use. The Complainant has provided prima facie evidence that the Respondent lacks rights and legitimate interests in the Disputed Domain Name. The Respondent has not filed a response. Accordingly, the Panel accepts the Complainant's contentions and agrees to the Complainant's view.

C. The Disputed Domain Name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant’s trademark “BOURSORAMA” is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered and used the Disputed Domain Name with full knowledge of the Complainant's trademark. This applies all the more since both the Respondent and the Complainant are located in France. Thus, the Panel holds that the Disputed Domain Name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CLIENTBOURSORAMA.NET**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2020-10-12

Publish the Decision