Decision for dispute CAC-UDRP-103301

Case number	CAC-UDRP-103301
Time of filing	2020-09-23 11:30:48
Domain names	bollorae.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOLLORE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Paul Steve

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

Complainant is the owner of the international trademark registration no. 704697 “Bolloré” (with design), issued December 11, 1998, which is protected in numerous countries and covers various goods and services in international classes 16, 17, 34, 35, 36, 38, and 39.

The disputed domain name was registered on September 15, 2020, i.e. the Complainant’s international trademark registration predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant’s Bolloré Group of companies was founded in 1822. Based on a diversification strategy it now holds strong positions around three business lines, namely (i) Transportation and Logistics, (ii) Communication and Media, and (iii) Electricity Storage and Solutions. It is one of the 500 largest companies in the world. While listed on the Paris Stock Exchange, the majority interest of the Group's stock is still controlled by the Bolloré family.

For its main corporate website the Complainant uses the domain name <bollore.com>, which was registered on July 25, 1997.

Complainant contends that Respondent is not affiliated with Complainant nor authorized by Complainant in any way to use the trademark “BOLLORE”. Complainant does not carry out any activity for, nor has any business with the Respondent.

Complainant asserts that Respondent has no rights or legitimate interests in respect of the domain name <bollore.shop> and that he is not related in any way to the Complainant’s business.

The disputed domain name resolves to a parking page with commercial links. Moreover, MX servers are configured for the disputed domain name.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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 is confusingly similar to Complainant's (device) trademark cited above. The only differences between the disputed domain name and this trademark’s word element "Bolloré" are (i) the accent on the final letter "e" and (ii) the additional letter "a" at the end. The combined vowels "ae" in the disputed domain name are phonetically similar to the single vowel "é" in the Complainant’s mark. Therefore, the Panel regards the disputed domain name as a form of "typosquatting", i.e. the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

The Panel finds that Complainant successfully submitted prima facie evidence that Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is Respondent commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

In the absence of a Response, the Panel infers that Respondent had Complainant's trademark in mind when registering and using the disputed domain name as described above. Respondent’s use of the disputed domain name for a parking page with commercial links to monetize the domain name indicates that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, i.e. attempting to attract, for commercial gain, internet users to a web site by creating a likelihood of confusion with the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLORAE.COM**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2020-11-20

Publish the Decision