Decision for dispute CAC-UDRP-103405

Case number	CAC-UDRP-103405
Time of filing	2020-11-11 10:55:03
Domain names	boursarama.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Milen Radumilo

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 European trademark registration no. 001758614 BOURSORAMA, registered on October 19, 2001. The trademark is registered for various goods and services in classes 9, 16, 35, 36, 38, 41, and 42 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant was founded in 1995 and provides online brokerage and online banking services as well as financial information on the Internet. In France, the Complainant has over 2 million customers. The Complainant's portal at <boursorama.com> is the first national financial and economic information site and the first French online banking platform.

The Complainant is also the owner of a number of domain names, including <boursorama.com>, registered on March 1, 1998.

The disputed domain name <boursarama.com> was registered on November 4, 2020, redirects Internet users to alternating websites, and is offered for sale for USD 688,00.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark as it is an obvious misspelling of the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent has no relationship with the Complainant's business and is not authorized or licensed to use its trademarks. In addition, the Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent's use of the disputed domain name to forward Internet users to alternating commercial websites is no bona fide offering of goods or services or legitimate non-commercial or fair use under the Policy.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that the Trademark is well-known and that the Respondent was fully aware of the Complainant when registering the disputed domain name. Furthermore, the Complainant argues that the Respondent's use of the disputed domain name to redirect Internet users to various third-party websites is bad faith use under the Policy.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it consists of an obvious

misspelling of the Trademark.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the Respondent's use of the disputed domain name to forward Internet users to alternating commercial websites from third parties does not constitute a bona fide offering of goods and services under paragraph 4(c)(i) of the Policy.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well established.

3.2 As to bad faith use, by using the disputed domain name to forward Internet users to alternating commercial websites of third parties, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy. In addition, the Respondent also offered the disputed domain name for sale. As the selling price in the amount of USD 688,00 exceeds by far the Respondent's out-of-pocket costs directly related to the acquisition of the disputed domain name, the Panel is satisfied that the disputed domain name was also registered primarily for the purpose of selling it to the Complainant and therefore in bad faith under paragraph 4(b)(i) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOURSARAMA.COM**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2020-12-18

Publish the Decision