Decision for dispute CAC-UDRP-103437

Case number	CAC-UDRP-103437
Time of filing	2020-12-01 09:19:59
Domain names	clients-boursoroma.site

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	BOURSORAMA SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	WEM

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 several trademarks "BOURSORAMA", such as the

- European trademark n° 1758614 registered since 19 October, 2001 for various goods and services.

- NPI (the France National Industrial Property Institute) trademark registration number 98723359 “BOURSORAMA”, registered on March 13, 1998 for various goods and services.

The Complainant also owns a number of domain names, including the same distinctive wording BOURSORAMA, such as the domain name <boursorama.com>.

FACTUAL BACKGROUND

The Complainant states that the Complainant was founded in 1995, and it is a pioneer and leader in its three core businesses, online brokerage, financial information on the Internet and online banking with over 2.37 million customers in France.

The disputed domain name <clients-boursoroma.site> was registered on November 23, 2020 and is inactive.

According to the Complainant, the Respondent has no rights or legitimate interest in the disputed domain name. The Respondent is not related in any way with the business of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark.

Furthermore, the Respondent does not use the disputed domain name in connection with a bona fide offering of goods or services for the purposes of the Policy, and there is no evidence that he has made any demonstrable preparations to do so. Nor is this a legitimate non-commercial or fair use of the disputed domain name.

According to the Complainant the disputed domain name is registered and is being used in bad faith.

The Complainant states that the disputed domain name <clients-boursoroma.site> is similar to the Complainant's official customer access under the URL https://clients.boursorama.com/.

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

According to paragraph 4(a) of the Policy the Complainant must prove for the requested transfer of the disputed domain name that
(i) the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests with respect to the domain names; and
(iii) the domain names has been registered and is being used in bad faith.

Without a doubt the Complainant complies with all these requirements:

(1)
The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is confusingly similar to the Complainant's trademarks (within the meaning of paragraph 4(a)(i) of the Policy).

The disputed domain name <clients-boursoroma.site> includes a typosquatted version of the Complainant's trademark BOURSORAMA. Besides, the addition of the generic French term "CLIENTS" (which means "CUSTOMERS") and a hyphen is not sufficient to escape the finding that the domain name is confusingly similar to the trademark BOURSORAMA. It does not change the overall impression of the designation as being connected to the Complainant's trademark BOURSORAMA. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark. On the contrary, the association of the term "CLIENTS" to the term "BOURSOROMA" worsens the likelihood of confusion, as it is highly similar to the domain name <clients.boursorama.com> which resolves to the Complainant's official customer access.

(2)
The Complainant has, to the satisfaction of the Panel, shown that the Respondent has no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent, which did not file any Response to the Complaint. As a matter of fact, there are no arguments why the Respondent could have own rights or legitimate interests in the disputed domain name. Therefore, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in the disputed domain name.

(3)
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).

Bad faith requires the Respondent to be aware of the Complainant's trademark. In the present case, the Panel finds it hard to believe that the Respondent would have chosen and registered the disputed domain name in good faith, without having been aware of the Complainant's trademarks and the Complainant's official customer access under the URL https://clients.boursorama.com/

There is also no explanation proving that the Respondent has made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor that it is making a legitimate non-commercial or fair use of the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CLIENTS-BOURSOROMA.SITE**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2021-01-08

Publish the Decision