

Decision for dispute CAC-UDRP-103527

Case number CAC-UDRP-103527

Time of filing 2021-01-26 09:16:34

Domain names bollore.cam

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BOLLORE SE

Complainant representative

Organization Nameshield (Enora Millocheau)

Respondent

Organization marines supply Inc

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant, Bolloré SE is the owner of several trademarks including or comprising the term "Bolloré". They include, international trade mark registration No. 704697, which predominantly comprises that term, but to which a design element has been added around the letter "é". That mark was filed on 11 December 2019 in classes 16, 17, 34, 35, 36, 38 and 39 and has proceeded to registration in a large number of territories.

FACTUAL BACKGROUND

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

The BOLLORE Group was founded in 1822. Thanks to a diversification strategy based on innovation and international development, it now holds strong positions in all its activities around three business lines, Transportation and Logistics, Communication and Media, Electricity Storage and solutions.

The Complainant is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family. The BOLLORE Group has 84,000 employees world-wide with the turnover that equals to 24,843 million euros, operating income in the amount of 1,259 million euros and the shareholders'

equity in the amount of 25,942 million euros based on the results in 2019.

The Complainant also owns, and communicates on the Internet through, various domain names; the main one being <bollore.com>.

The disputed domain name <bollore.cam> (the "Domain Name") was registered on 20 January 2021 and resolves to a parking page with commercial links.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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 predominant element of the trade mark relied upon by the Complainant is the term "Bollore". The Domain Name can most sensibly be read as that trade mark, albeit without an acute accent over the letter "e", combined with the ".cam" new generic Top-Level Domain ("gTLD"). Given this, the trade mark is clearly recognisable in the Domain Name and this is sufficient for a finding of confusing similarity under the Policy. The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy. The Panel notes that the Complaint contends that the Domain Name and its mark is identical. The Panel disagrees for the reasons set out in Philip Morris USA Inc. v. Marlboro Beverages / Vivek Singh WIPO Case No. D2014-1398. But as is nearly always the case, this is of no practical consequence.

The only evidence before the Panel as to why the Domain Name was registered is the fact that it has been used to display pay per click links. In the absence of any evidence or argument to the contrary, the Panel accepts that this is why the Domain Name was registered and is being held. Further, there is no suggestion that the links displayed relate to any descriptive or generic content of the Domain Name, the Panel also accepts that the Respondent has sought by use of the Domain Name in this manner to take commercial advantage of the reputation of the Respondent's mark. There is no right or legitimate interest in such conduct (see paragraph 2.9 of the WIPO Overview 3.0) and registration and use of a domain name in this manner is registration and use in bad faith, even if the links are automatically generated (see paragraph 3.5 of the WIPO Overview 3.0).

Further and in any event, the Domain Name essentially takes the form <[trade mark].[gTLD]>. Accordingly, even absent the pay-per-click use, the Domain Name inherently, deliberately and impermissible impersonates the Complainant and its mark in manner that provides no right or legitimate interest to the Respondent and involves registration and use in bad faith.

The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(ii) and (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. **BOLLORE.CAM**: Transferred

PANELLISTS

Name	Matthew Harris
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DATE OF PANEL DECISION **2021-02-18**

Publish the Decision
