

Decision for dispute CAC-UDRP-103568

Case number	CAC-UDRP-103568
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Time of filing	2021-02-12 09:22:56
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Domain names	bolloreus.com
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Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)
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Complainant

Organization	BOLLORE SE
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Complainant representative

Organization	Nameshield (Enora Millocheau)
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Respondent

Name	Stanley Block
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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

According to the evidence submitted by Complainant, Complainant is the owner of the international trademark nr. 704697 BOLLORE registered on 11 December 1998.

FACTUAL BACKGROUND

According to the evidence submitted by Complainant, Complainant 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. 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 Bolloré Group has 84,000 employees world-wide.

The disputed domain name <bolloreus.com> was registered on 3 February 2021 and is held by Respondent.

According to the information provided by Complainant the disputed domain name does not resolve to an active website.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. Indeed, the disputed domain name contains Complainant's trademark in its entirety. The addition of the letters "us" (which could refer to the United States) is not sufficient to escape the finding that the disputed domain name <bolloreus.com> is confusingly similar to the trademark BOLLORE.

Complainant contends that the disputed domain name is registered and is being used in bad faith. Given the distinctiveness of Complainant's trademark and reputation, according to Complainant it is inconceivable that Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark. Furthermore, the disputed domain name resolves to an inactive page. Complainant contends that Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, an infringement of Complainant's rights under trademark law, or an attempt to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with Complainant's trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website.

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of a trademark registration for BOLLORE. The disputed domain name incorporates the entirety of the well-known BOLLORE trademark as its distinctive element. The addition of the two letters "us" in the disputed domain name is insufficient to avoid a finding of confusing similarity as the BOLLORE trademark remains the dominant component of the disputed domain name. The top-level domain "com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any response.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Respondent knew or should have known that the disputed domain name included Complainant's well-known BOLLORE mark. The Panel notes that there is currently no active website at the disputed domain name. Such non-use of the disputed domain name does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that the undeveloped use of the website at the disputed domain name which incorporates Complainant's trademark almost in its entirety indicates that Respondent possibly registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **BOLLOREUS.COM**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2021-03-12

Publish the Decision