Decision for dispute CAC-UDRP-103552

Case number	CAC-UDRP-103552
Time of filing	2021-02-04 09:24:09
Domain names	b2bbollore-energy.com

Case administrator

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

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	AZED

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 adduced evidence of international trademark No. 1303490 BOLLORÉ ENERGY, registered on 22 January 2016 with figurative elements under Nice Classification classes 1, 4, 7, 9, 11, 35, 36, 37, 39, 40 and 42 with designations for the purposes of the Madrid Protocol. The registration was obtained on the basis of a 2015 French original trademark, No. 4226670.

The Complainant states that it owns further trademarks but adduced no evidence for them.

The Complainant adduced proof of its registration of the <bollore.com> domain name, which it has held since 1997.

The Respondent is the registrant of the disputed domain name, whose registration to him on 27 January 2021 was confirmed by its registrar to the CAC Case Administrator pursuant to a verification request in the present proceeding; the registrant details are not discernible from the disputed domain name's WHOIS data as presented in evidence by the Complainant.

The details provided by the registrar identify the registrant's name along with a postal address at the street "Odet" in the zip code locality "29500 Ergue Gaberic" and an e-mail address.

FACTUAL BACKGROUND

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

The Complainant is a well-known, publicly traded French company which has its headquarters near Paris and is among the five hundred largest companies in the world. It was founded in 1822 and remains majority-controlled by the Bolloré family. The Bolloré group is diversified across different economic sectors, from transport and logistics services, to energy, to communication and media alongside its traditional paper manufacturing business.

The Respondent is only known by his name and contact details as furnished by the registrar.

A screenshot adduced by the Complainant of the website page to which the disputed domain name resolved shows that, when it was taken, a parking page was displayed that was hosted on the registrar's server. The page included ten links, all in French. Four related to electric vehicles; five related to aspects of business; one related simply to cars.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant claims that the disputed domain name <b2bbollore-energy.com> is confusingly similar to its well-known and distinctive trademark and the domain name associated with it. Addition of neither “B2B” nor the top-level domain suffix <.com> is sufficient to escape the disputed domain name's confusing similarity with the Complainant's trademark; it does not change the overall impression of a designation connected to the trademark. It cites Decisions of past panels that have ruled in the Complainant's favour on this point in circumstances comparable to those of the present UDRP proceeding.

The Complainant contests that the identification details provided by the disputed domain name's registrar actually do identify the Respondent, who the Complainant has certainly not authorized to use its trademark. The Complainant further asserts that there is no indication from the Respondent's details that have been given that he is known by the disputed domain name and might thus have any legitimate interest in it.

The Complainant contends that the Respondent has attempted to attract internet users for commercial gain to his website thanks to the Complainant’s trademark(s), which is an evidence of bad faith. Again, the Complainant makes reference to the Decisions of past UDRP panels to substantiate this contention. It furthermore asserts that it is reasonable to infer that the Respondent has both registered and used the domain name with full knowledge of the Complainant's trademark, given also the widely-known reputation of the Complainant and its distinctive brand.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 that 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 Complainant has made out a compelling case of cybersquatting in this uncontested proceeding.

The Panel makes the following findings with respect to the UDRP's criteria:

(1) Complainant's rights: The Complainant's rights in this proceeding are implicated by virtue of the Respondent's having fully incorporated into the disputed domain name the trademark which the Complainant adduced in evidence.

(2) Identicality or confusing similarity: The Respondent's addition in the disputed domain name of an inconsequential character (a hyphen), the prefix "b2b" within the stem and the <.com> suffix in no way detracts from the dominance of the trademark in the disputed domain name and thus the impression that it is directly connected to the Complainant's energy business. Rather, inclusion of "b2b", the common abbreviation for "business-to-business", in the disputed domain name indicates not that confusing similarity is lessened, but merely that a specific mode of the Complainant's pursuing its energy business is connoted.

(3) Lack of Respondent's rights or legitimate interest: The panel accepts the Complainant's statement that the Respondent has acted without any authorization from the Complainant and finds nothing from the Case File to suggest that the Respondent has any form of legitimate interest in using the variant of the Complainant's brand incorporated in the disputed domain name.

(4) Bad faith. There is abundant evidence of bad faith in this proceeding. Firstly, it is inconceivable that registering a domain name designed to convey such a misleading connotation as that described above under (2) can be anything but intentional. Secondly, the registration data provided by the registrar's verification omit a proper street address and suggest that the Respondent did not provide accurate details, so tending to support the Complainant's contention of concealment of identity. The Panel draws attention in this connection to the fact that the Respondent's registration data do, by contrast, include details that correspond to the address given for the Complainant's seat in this proceeding. Thirdly, the parking page used by the Respondent in association with the disputed domain name evidences bad faith use by exhibiting commercial links to websites from which it may reasonably be inferred that the Respondent obtained or sought to obtain commercial gain thanks to the Complainant's trademark and reputation, thereby illustrating one of the examples of bad faith given in the UDRP.

The Panel thus orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **B2BBOLLORE-ENERGY.COM**: Transferred

PANELLISTS

Name	**Kevin J. Madders**

DATE OF PANEL DECISION 2021-03-21

Publish the Decision