

## Decision for dispute CAC-UDRP-103890

Case number CAC-UDRP-103890

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Time of filing 2021-06-25 09:06:33

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Domain names boursorama-sec.com

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### Case administrator

Organization Denisa Bilík (CAC) (Case admin)

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### Complainant

Organization BOURSORAMA SA

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### Complainant representative

Organization Nameshield (Enora Millocheau)

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### Respondent

Name zack levy

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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.

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#### IDENTIFICATION OF RIGHTS

The Complainant owns the European trade mark number 001758614 for BOURSORAMA, which was registered on 19 October 2001 in classes 9, 16, 35, 36, 38, 41 and 42.

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#### FACTUAL BACKGROUND

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

The Complainant was founded in 1998. It has a range of financial products online. Its three core businesses are online brokerage, financial information on the Internet and online banking.

In France, BOURSORAMA has over 2.8 million customers. The portal [www.boursorama.com](http://www.boursorama.com) is the first national financial and economic information site and the first French online banking platform.

The Complainant owns several trade marks for BOURSORAMA, such as the European trade mark number 001758614. It also owns a number of domain names, including <boursorama.com>, which was registered on 28 February 1998.

The disputed domain name was registered on 17 June 2021 and resolves to an error page.

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#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements:

- i. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in the disputed domain name; and
- iii. the disputed domain name has been registered and used in bad faith.

#### A. IDENTICAL OR CONFUSINGLY SIMILAR

The disputed domain name is comprised of the Complainant's mark BOURSORAMA, a hyphen, the term "sec" and the top-level domain ".com".

The top-level domain ".com" does not add any distinctiveness to a domain name and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant's trade mark.

The dominant part of the disputed domain name is the Complainant's trade mark BOURSORAMA. Adding a hyphen and the term "sec" to the Complainant's trade mark does not change the overall impression that the disputed domain name is confusingly similar to the Complainant's mark.

The Panel finds that that the disputed domain name is confusingly similar to the Complainant's trade mark BOURSORAMA and that the requirements of paragraph 4(a)(i) of the Policy have been met.

#### B. NO RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent has no rights or legitimate interest in the disputed domain name and states that the Respondent:

- i. is not commonly known by the disputed domain name and is not identified in the Whois database by name;
- ii. is not affiliated with nor authorised by the Complainant to carry out any activity for or business with the Complainant, and is not licensed or authorised to use the trade mark BOURSORAMA; and
- iii. has not made any use of disputed domain name since its registration.

The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The burden of proof now shifts to the Respondent to show that he has relevant rights.

The Respondent has not filed a Response nor submitted any evidence to show that he has rights or a legitimate interest in the disputed domain name, or is commonly known by that name. The Complainant has not authorised the Respondent to use the Complainant's trade mark. There is no evidence to indicate any demonstrable plan to use the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of legitimate non-commercial use.

Taking the above factors into consideration the Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

#### C. REGISTERED AND BEING USED IN BAD FAITH

The disputed domain name is confusingly similar to the Complainant's distinctive trade mark BOURSORAMA. That mark has been in use since 1998 and pre-dates the registration of the disputed domain name. It is improbable that the Respondent registered the disputed domain name without prior knowledge of the Complainant's mark.

The Respondent is not affiliated with the Complainant and there appears no reason to register a domain name that is confusingly similar to the Complainant's distinctive trade mark other than to create a likelihood of confusion with that mark. Taking these factors into account, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name resolves to an error page. The Complainant asserts that the Respondent has not demonstrated any legitimate activity in respect of the disputed domain name, and that it is impossible to conceive of any plausible actual or contemplated use of the disputed domain name by the Respondent that would not infringe the Complainant's rights.

The Respondent has used a privacy service to conceal his identity. He has failed to file a Response or provided any evidence or actual or contemplated good faith use and has not disputed the Complainant's assertions of bad faith registration and use. The Complainant's distinctive trade mark is clearly recognisable in the disputed domain name and any good faith use of the disputed domain name appears implausible.

Considering all these factors, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. BOURSORAMA-SEC.COM: Transferred

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#### PANELLISTS

Name	Veronica Bailey
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DATE OF PANEL DECISION 2021-07-23

Publish the Decision

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