

Decision for dispute CAC-UDRP-104343

Case number CAC-UDRP-104343

Time of filing 2022-02-10 10:04:31

Domain names boursoramaexp.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BOURSORAMA SA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization Sunflower Market

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 owns the EU trademark registration no. 1758614 "BOURSORAMA" (word), registered since 19 October 2001 for various goods and services in classes 9, 16, 35, 36, 38, 41, and 42.

The Complainant also owns various domain names incorporating the term "boursorama", including the domain name <boursorama.com> which was registered on 1 March 1998.

The disputed domain name <boursoramaexp.com> was registered on 3 February 2022, i.e., the Complainant's trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant BOURSORAMA S.A. is a provider of online financial services and regards itself as pioneer and leader in its three core businesses, namely online brokerage, financial information on the Internet, and online banking. In France, the

Complainant's portal www.boursorama.com is the leading financial and economic information site and the leading French online banking platform.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that he is not related in any way to the Complainant's business. The Respondent is not affiliated with the Complainant nor authorized by the Complainant in any way to use the "BOURSORAMA" trademark. The Respondent does not carry out any activity for, nor has any business with the Complainant.

The Respondent has used the disputed domain name for a website a website displaying information regarding cryptocurrencies under the name "BOURSORAMA" and the Complainant's arrow-shaped logo.

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

The disputed domain name is confusingly similar to the trademark "BOURSORAMA". The addition of the suffix "exp" does not change the overall impression of the designation as being connected to the Complainant's distinctive trademark "BOURSORAMA" and does not prevent the likelihood of confusion between the disputed domain name and the Complainant's trademark, particularly because internet users will likely interpret the suffix "exp" as the abbreviation of a descriptive addition such as "express" or "experience".

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, 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 Respondent.

Registration and use of the disputed domain name for a website in the Complainant's field of business (namely, financial services) which uses the Complainant's name "BOURSORAMA" and the Complainant's arrow-shaped logo on the website is an evident case of registration and use of the domain name in bad faith pursuant to paragraphs 4(a)(iii) and 4(b)(iv) of the Policy. The Respondent has used the disputed domain name to attract Internet users to its website by creating confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Complainant's website. The Respondent thus registered and used the disputed domain name to profit from the Complainant's mark by attracting Internet users to its competing website. This is evidence of bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. BOURSORAMAEXP.COM: Transferred
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PANELLISTS

Name	Dr. Thomas Schafft
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DATE OF PANEL DECISION 2022-03-21

Publish the Decision
