

Decision for dispute CAC-UDRP-104408

Case number CAC-UDRP-104408

Time of filing 2022-03-14 09:22:18

Domain names brma-info.com

Case administrator

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

Complainant

Organization BOURSORAMA SA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name BABOUCHI Rabah

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 is the owner of several trademarks and domain names including the word "BOURSORAMA".

In particular, the Complainant is the owner of the following trademark:

- EU trademark registration n° 001758614 "BOURSORAMA" in classes 9, 16, 35, 36, 38, 41 and 42, filed on 13 July 2000;

("the Complainant's trademark").

The Complainant asserts to have domain names, such as <boursorama.com>, <brsimg.com>, <brsourama.com> and <brsp.app> which are connected to the official website of the Complainant ("the Complainant's domain names").

FACTUAL BACKGROUND

FACTS ASSERTED BY COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, BOURSORAMA SA, was founded in 1995 and is growing within Europe, offering a range of financial products online. The Complainant is a pioneer and leader in the business of online brokerage, financial information on the internet and online banking. In France, the Complainant is the online banking reference with over 2 million customers. The portal www.boursorama.com is the first national financial and economic information site and first French online banking platform.

The Complainant uses its trademarks and domain names in connection to its activities worldwide.

The Respondent registered the domain name <brma-info.com> on 3 February 2022 ("the disputed domain name"). The Complainant asserts that the disputed domain name redirects to a website used to impersonate the Complainant in an attempt to defraud the Complainant's customers via e-mail. The Panel notes that the disputed domain name is currently suspended.

PARTIES CONTENTIONS

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

I. The disputed domain name is confusingly similar to the Complainant's trademark

The Panel finds that the disputed domain name <brma-info.com> is confusingly similar to the Complainant's trademark.

The Complainant rightfully contends that the disputed domain name incorporates four letters of the BOURSORAMA trademark. The disputed domain name consists of the term BRMA, an abbreviation for Complainant's business name. The use of an abbreviation of the Complainant's trademark, with the mere addition of the term "info", is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark. To the contrary, it suggests that the Respondent impersonates the Complainant by using the disputed domain name in an attempt to defraud customers via e-mail. In particular in the financial industry, where the Complainant is active, consumers can be misled via online communications that use an abbreviation of the name of the Complainant.

II. 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

The Panel notes that the Complainant has never granted the Respondent any license or authorization to use the Complainant's trademark for the disputed domain name, nor is the Respondent affiliated to the Complainant in any way.

Further, the Respondent has made no use of the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain name, and/or is not commonly known under the disputed domain name.

In addition to the above, the disputed domain name resolves to a website that is used to impersonate the Complainant for phishing activities in order to attract potential consumers for commercial gain. It appears that the disputed domain name is currently suspended. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that the domain name will be used in connection with a bona fide offering of goods or services.

Given the lack of an administratively compliant Response from the Respondent, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The Complainant contends that its BOURSORAMA trademark is well-known and that, given the distinctiveness of the Complainant's trademark in general and its reputation, the Respondent likely had full knowledge of the Complainant's BOURSORAMA trademark at the time of the registration of the disputed domain name.

Further, the disputed domain name is not used for any bona fide offerings, considering that the disputed domain name is connected to a website that is used to impersonate the Complainant. It is likely that the main purpose of the Respondent was to use the disputed domain name for "phishing" financial information in an attempt to defraud the Complainant's customers for commercial gain. The Panel agrees that such use is an example of a phishing scheme that amounts to use in bad faith of the disputed domain name.

The Respondent failed to present a credible evidence-backed rationale for registering and using the disputed domain name.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BRMA-INFO.COM**: Transferred

PANELLISTS

Name	Tom Joris Heremans
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DATE OF PANEL DECISION 2022-04-14

Publish the Decision
