Decision for dispute CAC-UDRP-104480

Case number	**CAC-UDRP-104480**
Time of filing	**2022-04-07 08:34:37**
Domain names	**securite-boursorama.com**

Case administrator

Organization	**Denisa Bilík (CAC) (Case admin)**

Complainant

Organization	**BOURSORAMA SA**

Complainant representative

Organization	**NAMESHIELD S.A.S.**

Respondent

Organization	**1337 Services LLC**

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, inter alia, proprietor of the valid European Union trademark 001758614 for BOURSORAMA registered on October 19, 2001 in several classes.

FACTUAL BACKGROUND

The Complainant, a French company, is active in online banking, financial information and online brokerage, with more than 3 million customers.

The disputed domain name was registered on April 1, 2022 and is inactive. Respondent´s name was initially redacted for privacy.

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 highly similar to the trademark BOURSORAMA of the Complainant since the only difference is the additional purely non distinctive element "Securite" being also descriptive in connection with online banking.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant is sufficient to constitute a prima facie showing the absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. The Respondent has made no attempt to do so. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

In view of the non-disputed assessment that the Complainant is a significant player in online banking and financial information and in view of the significant number of customers and in view of the fact that Complainant´s trademark has no meaning, the Respondent must have been well aware of the Complainant and its trademark when registering the disputed domain name differing only in an additional descriptive element.

It is the consensus view of Panels (following the decision Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>) that the apparent lack of active use of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include that no response to the complaint has been filed and the registrant's concealment of its identity. Furthermore, this Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

Accordingly, 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) by registering a confusingly similar domain name being aware of the trademarks of Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SECURITE-BOURSORAMA.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2022-05-10

Publish the Decision