

Decision for dispute CAC-UDRP-104646

Case number CAC-UDRP-104646

Time of filing 2022-06-14 09:28:51

Domain names boursorama-info.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BOURSORAMA SA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Yamamoto Isoroku

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence that it owns the following trademark which remains valid: EU trademark No. 1758614 "BOURSORAMA", registered on 19 October 2001 in Nice Classification List Classes 9, 16, 35, 36, 38, 41 and 42.

The Complainant is the registrant of the domain name <boursorama.com>, registered on 28 February 1998 according to proof adduced by the Complainant.

The Respondent registered the disputed domain name <boursorama-info.com> on 7 June 2022, according to the Registrar Verification obtained by the CAC Case Administrator.

FACTUAL BACKGROUND

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

The Complainant, Boursorama SA, is a French company that was founded in 1998 and acquired in 2002 by the online stock exchange broker Fimatex, which is part of the Société Générale financial services group. Boursorama entered the online

banking services market in 2005. It is today active in three areas related to financial services: online brokerage, provision of online financial information, and online banking. It currently has over 3.7 million online banking customers in France while its platform for trading in shares on stock exchanges is popular, as is its online financial information service both in France and beyond, with a reported nearly half a billion page views.

The Complainant has adduced evidence to show that the disputed domain name does not currently resolve to an active web page.

Although not mentioned by the Complainant, the Registrar Verification obtained by the CAC Case Administrator shows that the name given for the Respondent upon registration was "Yamamoto Isoroku" with a postal address in the United States (Los Angeles, entered as "angeles"). The e-mail address given is one from a provider well known for supplying "anonymous" e-mail accounts.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The disputed domain name, which, like the Complainant's domain name, is registered under the <.com> TLD, wholly incorporates the Complainant's registered trademark. The difference is solely addition after the Complainant's trademark of the generic suffix "-info". The disputed domain name is therefore confusingly similar to the Complainant's protected mark.

The Respondent is not known by the disputed domain name or to the Complainant, and the Respondent is not authorized by the Complainant to use its trademark.

It is inconceivable that the Respondent registered the disputed domain name without knowing of the Complainant and its trademark. Its registration and such use as is made of it must therefore be in bad faith.

RESPONDENT: 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 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that:

(1) it exercised its general powers under Paragraph 10 of the Rules to perform a brief check of the Respondent's registration details as part of the Panel's scrutiny of the Case File;

(2) in its résumé of the Parties' contentions, citation of Decisions of past Panels contained in the Amended Complaint has not been repeated because they add little to the essential elements of the case;

(3) the Complainant made a procedural contention that it needed only make a prima facie case regarding the Respondent's lack of rights or a legitimate interest. The Panel considers this contention to warrant no consideration in this uncontested case which displays compelling evidence on all factors related to the UDRP three-part cumulative test.

PRINCIPAL REASONS FOR THE DECISION

It is plain from the Respondent's unauthorized incorporation of the Complainant's trademark in the disputed domain name with the suffix "info" (which might among other things connote one of the Complainant's areas of business activity) that the Respondent's purpose in registering the name was to masquerade as the Complainant so as to deceive internet users.

Indeed, there is a double masquerade in this case. The details the Respondent gave at registration are clearly not credible. The name used (with the first and last names inversed) was that of the Japanese wartime admiral who oversaw the attack on Pearl Harbour. It is no wonder, then, that the Respondent, whoever it is, also chose a registrant contact email address from a provider of "anonymous" e-mail accounts. The composition of the telephone number given also raises suspicion.

Given these circumstances and the financial nature of the Complainant's business activities, it can be inferred that the Respondent's plan is to use the disputed domain name to perpetrate some form of financial scam. To do so need not involve a website; it can also involve use the DNS feature of email, which is far more difficult to detect yet can be used to pernicious effect on unsuspecting internet users in various ways, such as phishing.

There is consequently no doubt that this proceeding relates to domain name abuse by the Respondent on all counts under the UDRP – from violation of the Complainant's rights in its trademark, through illegitimately creating confusing similarity to it, to blatant bad faith.

The Panel therefore orders the disputed domain name to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Kevin J. Madders
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DATE OF PANEL DECISION 2022-07-15

Publish the Decision
