Decision for dispute CAC-UDRP-104752

Case number	**CAC-UDRP-104752**
Time of filing	**2022-07-28 09:25:33**
Domain names	**bolloreglobal.com**

Case administrator

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

Complainant

Organization	**BOLLORE SE**

Complainant representative

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

Respondent

Organization	**Domain Management**

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 international trademark No. 704697 for "BOLLORÉ" as a word mark with figurative elements. This trademark was registered on 11 December 1998 on the basis of a French basic registration and remains valid. The registration extends to Nice Classification List Classes 16, 17, 34, 35, 36, 38 and 39.

The Complainant has further adduced evidence that it is the registrant of the domain name <bollore.com>, registered on 25 July 1997.

The Respondent registered the disputed domain name <bolloreglobal.com> on 21 July 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 is a well-known publicly traded French company with global presence that was founded in 1822 and which has its headquarters near Paris. It is among the 500 largest companies in the world with a turnover approaching € 20 billion.

The Bolloré group's business is today diversified across transport and logistics services, energy, and communication and media, alongside its traditional paper manufacturing business. In addition to its trading activities, the family-owned group operates an investment policy under which it manages a range of financial assets and other holdings.

The Respondent’s name and contact details as contained in the Amended Complaint are those furnished by the registrar following Registrar Verification by the CAC Case Administrator.

The Complainant has adduced evidence to show that the disputed domain name is currently offered for sale via a domain-name brokering site for a substantial sum, with the possibility for those interested in buying it also to offer another amount.

ADDITIONAL FACTS DISCLOSED BY THE PANEL’S EXAMINATION OF THE CASE FILE

The Panel’s scrutiny of the Case File disclosed an unusual format for the street address given for the Respondent in the United States. The Panel therefore performed a routine check of the address details, which confirmed that these details are inaccurate but sufficiently complete to reveal that the Respondent’s name and contact details have appeared in other ADR proceedings under the UDRP.

The Case file shows that no reply was received following communications sent by the CAC to the Respondent.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS

COMPLAINANT:

(1) The disputed domain name is confusingly similar to the Complainant’s trademark and branded services as it incorporates its trademark in its entirety, while addition of the term “GLOBAL” is not sufficient to alter such confusing similarity since the overall impression of a connection to or association with the Complainant’s trademark remains. Nor can the technical suffix <.com> affect the confusing similarity to the trademark or the Complainant’s own domain name.

(2) The Respondent is not related in any way to the Complainant, has no authorization from the Complainant to use its protected brand, and is not commonly known by the disputed domain name. The Respondent accordingly lacks any right or legitimate interest in using the Complainant's brand in the disputed domain name.

(3) The Respondent registered the disputed domain name and is using it in bad faith. Previous ADR Decisions have recognized that the Complainant’s brand is both distinctive and well known. The Respondent has sought illegitimately to exploit this notoriety for commercial gain by registering the disputed domain name containing the brand with a generic descriptor recalling the Complainant’s global presence in order then to offer the name for sale to the public on a domain name brokerage website.

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

1. Application of the UDRP cumulative criteria

The Panel, considering that:

(a) The Complainant has duly established its own rights with the evidence it has adduced and in its submissions;

(b) It has demonstrated the confusing similarity of the disputed domain name to the Complainant’s protected brand, whereby combination of the generic descriptor “global” with the Complainant’s trademark might credibly be understood by unsuspecting internet users as being a variant of its brand that the Complainant might itself choose to employ;

(c) The Respondent lacks any right or legitimate interest in the disputed domain name containing the Complainant’s brand, given that there is no association between the Parties of any kind, that no authorization has been given by the Complainant for the Respondent to employ its brand, and that the Respondent must be presumed not to be commonly known by the brand;

(d) There is clear evidence that the Respondent’s purpose in registering and using the disputed domain name was to sell it for commercial gain in spite of the Complainant’s rights and interests,

FINDS that the UDRP criteria have thereby been met and orders transfer of the disputed domain name to the Complainant.

2. Identification of the Respondent

The Panel is aware that the person named as Respondent in this proceeding has also been cited as Respondent in a string of previous UDRP ADR proceedings -- the first being in 2000, i.e. shortly after adoption of the UDRP over twenty years ago.

It also notes the discrepant street address mentioned under “Factual Background” above and observes that the UDRP procedure allows for only rudimentary ascertainment of a Respondent’s identity, above all in an uncontested case.

The Panel therefore draws no conclusion as to the actual identity of the Respondent in the present proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOLLOREGLOBAL.COM**: Transferred

PANELLISTS

Name	**Kevin J. Madders**

DATE OF PANEL DECISION 2022-09-01

Publish the Decision