

Decision for dispute CAC-UDRP-104851

Case number	CAC-UDRP-104851
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Time of filing	2022-09-20 10:31:26
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Domain names	oursorama.com
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	BOURSORAMA SA
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	DOMAIN FOR SALE CHECK AFTERNIC.COM
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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 the European trademark n° 1758614 "BOURSORAMA", registered since 2001.

Likewise, the Complainant also owns the domain names <boursorama.com> since 1998 and <boursorama-banque.com> since 2005.

FACTUAL BACKGROUND

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

- The Complainant owns the trademark "BOURSORAMA", subject to EU trademark registration no. 1758614, granted back in 2001.
- The Respondent has registered the disputed domain name <oursorama.com> in late 2022 and is currently redirecting it to commercial links.
- The Complainant contends that the Respondent uses the disputed domain name <oursorama.com> in order to create a likelihood of confusion.

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 IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT'S TRADEMARK

The Panel finds that the disputed domain name <oursorama.com> is confusingly similar to the trademark "BOURSORAMA" and to the relative domain names <boursorama.com> and <boursorama-banque.com> registered by the Complainant, which has proven to have prior rights since the late '90s.

In particular, the Panel agrees that the misspelling of the trademark in the domain name (OURSORAMA instead of BOURSORAMA) is quite obvious and represents a typical case of "*Typosquatting*".

As a matter of fact, the deletion of letter "B" in "BOURSORAMA" does not change the overall impression of the wording at issue.

In this regard, similar decisions issued by Panelists of CAC confirmed the above typosquatting circumstance (see, among others, CAC Case No. 102253, BOURSORAMA v. Brandsos.com <bboursorama.com> and al.; CAC Case No. 102211, BOURSORAMA SA v. Olga Pererva <boursorma.com>; CAC Case No. 102170, Boursorama SA v. johnny legend <boursorarma.com>).

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark "BOURSORAMA", or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such prima facie case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taken into account the fact that the Respondent did not provide any response within the present proceeding, the

Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in the disputed domain name.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of 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.

It is quite clear in the present case that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark and is using it to attract Internet users for commercial gain to his own website.

In the absence of a response from the Respondent and given the reputation of the Complainant and its trademark (notoriety of the trademark "BOURSORAMA" is indirectly confirmed in CAC Case No. 101131, *BOURSORAMA v. PD Host Inc - Ken Thomas* and in WIPO Case No. D2017-1463, *Boursorama SA v. Estrade Nicolas*), the Panel infers that the Respondent had the Complainant's trademarks "BOURSORAMA" in mind when registering the disputed domain name. Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **oursorama.com**: Transferred

PANELLISTS

Name	Tommaso La Scala
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DATE OF PANEL DECISION	2022-10-24
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Publish the Decision
