

Decision for dispute CAC-UDRP-104883

Case number CAC-UDRP-104883

Time of filing 2022-09-30 13:49:06

Domain names bolloorre.com

Case administrator

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

Complainant

Organization BOLLORE SE

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name tulick Lucy

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, Bolloré SE is the owner of several trade marks including or comprising the term "Bolloré". They include, international trade mark registration No. 704697, which predominantly comprises that term, but to which a design element has been added around the letter "é". That mark was filed on 11 December 2019 in classes 16, 17, 34, 35, 36, 38 and 39 and has proceeded to registration in a large number of territories.

FACTUAL BACKGROUND

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

The BOLLORE Group was founded in 1822. Thanks to a diversification strategy based on innovation and international development, it now holds strong positions in all its activities around three business lines, Transportation and Logistics, Communication and Media, Electricity Storage and solutions.

The Complainant is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family. In addition to its activities, the Group manages a number of financial assets including plantations and financial investments

The Complainant also owns, and communicates on the Internet through, various domain names; the main one being <bollore.com>.

The disputed domain name <bolloorre.com> (the "Domain Name") was registered on 22 September 2022. It resolves to an inactive page and MX servers are configured.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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 predominant element of the trade mark relied upon by the Complainant is the term "Bolloré". The Panel accepts that Domain Name can most sensibly be read as a misspelling of that trade mark, with an extra letter "r" and extra letter "o" and without an acute accent over the letter "e", combined with the ".com" generic Top-Level Domain. Given this, the trade mark is clearly recognisable in the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see sections 1.7 and 1.9 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel also accepts that this is a case of "typosquatting", where the Respondent has chosen to register and hold a domain name that deliberately involves a misspelling of the Complainant's trade mark. There is no other obvious reason why any person would seek to register a domain name that takes the form of the Domain Name and the Respondent has not attempted to argue otherwise. Exactly why the Respondent has done this is not clear. However, there is unlikely to be any right or legitimate interest in holding a domain name that involves a deliberate misspelling of another's mark, since any use by the registrant of that domain name is likely to involve an illegitimate impersonation of the trade mark holder (as to which see, for example, section 2.6.2 of the WIPO Overview 3.0). Similarly, the deliberate registration and holding by the Respondent of a domain name that impersonates the Complainant involves registration and use in bad faith (see, for example, the references to typosquatting in sections 3.1.1, 3.1.4 and 3.2.1 of the WIPO Overview 3.0).

The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bolloorre.com**: Transferred
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PANELLISTS

Name	Matthew Harris
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DATE OF PANEL DECISION **2022-11-09**

Publish the Decision
