

Decision for dispute CAC-UDRP-104905

Case number CAC-UDRP-104905

Time of filing 2022-10-11 09:16:42

Domain names bourscontact.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BOURSORAMA SA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Didier Jore

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 owner of the French national trademark BOURSO with registration number 3009973 which was registered on February 22, 2000 for goods and services in classes 9, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

The Complainant is a French financial institution which was founded in 1995 with an online brokerage, financial information and banking operation and has more than 4 million customers in France.

The disputed domain name was registered on October 3, 2022 and resolves to a parking page with commercial links.

The Complainant alleges that:

- the disputed domain name is similar to the Complainant's trademark "BOURSO" and that the added term "contact" does not take away the similarity between the disputed domain name and the Complainant's trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name because he is not known under the disputed domain name, he is not related to the Complainant who has also not licensed or authorized the Respondent to register and use the disputed domain name, and the disputed domain name resolves to a parking page with commercial links which is

- not a bona fide offering of goods or services or legitimate non-commercial or fair use of the disputed domain name; and
- the Responder registered and used the disputed domain name in bad faith because he must have been aware of the Complainant's trademark "BOURSO", which is distinctive and has a reputation, when it registered the disputed domain name, and used the disputed domain name to attract Internet users for commercial gain to his own website for its own commercial gain.

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

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark "BOURSO" which was registered prior to the registration of the disputed domain name. The disputed domain name wholly incorporates the Complainant's trademark "BOURSO". The addition of the term "contact" does not eliminate the similarity between Complainant's trademark and the disputed domain name.
2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent is not commonly known under the disputed domain name, was not authorized by the Complainant to register and use the disputed domain name, and has made no use of, or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. The Complainant's allegations were not challenged by the Respondent.
3. In the absence of a Response, and based on the undisputed facts as disclosed by the Complainant, the Panel infers that the Respondent must have had the Complainant's trademark "BOURSO" in mind when he registered the disputed domain name, which was therefore registered in bad faith. The Panel is further satisfied that the use of the disputed domain name to resolve to a parking website with links in French to, inter alia, trading platforms and stock market investment information, is aimed at taking advantage of the Complainant and its trademark "BOURSO", which constitutes use of the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bourscontact.com**: Transferred

PANELLISTS

Name	Alfred Meijboom
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DATE OF PANEL DECISION **2022-11-14**

Publish the Decision
