

Decision for dispute CAC-UDRP-104893

Case number CAC-UDRP-104893

Time of filing 2022-10-05 09:48:06

Domain names infobollore.com

Case administrator

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

Complainant

Organization BOLLORE SE

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization Money LUCK

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 several trademarks including the term "BOLLORE", such as the international trademark registration no. 704697 "BOLLORE", registered on December 11, 1998 (hereinafter referred to as the "Trademark").

The Trademark has already been considered to be "well-known" by previous panels in proceedings under the UDRP (CAC Case No. 102015, BOLLORE SA v. mich john; CAC Case No. 101696, BOLLORE v. Hubert Dadoun).

FACTUAL BACKGROUND

The Complainant is a French conglomerate founded in 1822. It holds strong positions in all its activities around three business lines: Transportation and Logistics, Communication and Media, Electricity Storage and Solutions. It is one of the 500 largest companies in the world and it is listed on the Paris Stock Exchange with the majority interest of the Group's stock controlled by the Bolloré family.

The Complainant owns numerous domain names consisting of the Trademark, with the main one being <bollore.com>, registered on July 25, 1997.

The disputed domain name <infobollore.com> was registered on September 18, 2022 and it redirects to a website copying a third-party login page unrelated to the domain name in dispute.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark as the disputed domain name incorporates the Trademark in full.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not a licensee of the Complainant, nor has it been otherwise authorized or allowed by the Complainant to make any use of the Trademark, that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, that the Respondent is not commonly known by disputed domain name and that the Respondent's use of the disputed domain name is neither a legitimate non-commercial nor fair use.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. As to bad faith registration, the Complainant contends that the Trademark is a highly distinctive and well-known mark and thus, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark. The Complainant further asserts that since the disputed domain name redirects to a website copying a third-party login page unrelated to the domain name the Respondent uses the Trademark to promote services unrelated to the domain name, or even to phish for internet users' credentials. With regard to bad faith use, the Complainant states that the Respondent is using the disputed domain name to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of Respondent's web site or location or of a product or service on Respondent's web site or location.

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 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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark, which has already been found to be well-known by previous panels. The addition of the generic term "info" does not hinder a finding of confusing similarity, as the Trademark is recognizable in the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name. Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the Respondent failed to provide any information whatsoever with regard to its own rights or legitimate interests in the disputed domain name. Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3. The Panel is also satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the well-established Trademark. The Panel assumes that the Respondent registered the disputed domain name with knowledge of the Complainant's rights in the Trademark. There is no contrary evidence displacing this presumption and the Respondent failed to provide any other justification for the registration of the domain name. As to bad faith use, by using the disputed domain name in connection with a website copying a third-party login page which suggests that users should identify themselves with their credentials, the Respondent is, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy and possibly also engage in phishing activities.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **infobollore.com**: Transferred

PANELLISTS

Name	Stefanie Efstathiou LL.M. mult.
------	--

DATE OF PANEL DECISION **2022-11-14**

Publish the Decision
