

Decision for dispute CAC-UDRP-104944

Case number	CAC-UDRP-104944
Time of filing	2022-10-24 09:43:09
Domain names	clientboursorama.info, clientborsorama.info

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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

Name	Pierre Perrin
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the European trademark BOURSORAMA® n°001758614 registered since October 19, 2001 for a broad variety of financial services.

FACTUAL BACKGROUND

The disputed domain names were registered on October 18, 2022, and resolve only to the registrar's parking page. However, the domain name <clientboursorama.info> has been set up with MX servers, indicating an intent to send e-mails from such domain name. Also, these domain names appear to mimic the URL for Complainant's official customer access portal at www.clients.boursorama.com.

PARTIES CONTENTIONS

The Complainant states that the disputed domain names are confusingly similar to its trademark BOURSORAMA® and its domain names associated.

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain names. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant provided evidence that the disputed domain names resolve to a parking page. The Complainant contends that Respondent did not make any use of disputed domain names since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain names. It demonstrates a lack of legitimate interests in respect of the disputed domain names.

The Complainant derives use and registration of the disputed domain names when it contends that the Respondent has not demonstrated any activity in respect of the disputed domain names, and it is not possible to conceive of any plausible actual or contemplated active use of the domain names by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

The Complainant finally argues that MX servers are configured on the disputed domain name <clientboursorama.info> which suggests that the disputed domain name may be actively used for email purposes.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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 Complainant provided sufficient evidence, that the disputed domain names are confusingly similar to Complainant's trademark BOURSORAMA.

The Panel did not find any evidence of rights or legitimate interest of the Respondent in connection with the disputed domain names.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark BOURSORAMA, or apply for registration of the disputed domain names. Furthermore, the disputed domain names resolve to a parking page. The Respondent has not demonstrated any legitimate activity in respect of the disputed domain names, and it is difficult to conceive of any plausible actual or contemplated active use of the disputed domain names by the Respondent that would be legitimate. The disputed domain names mimic the URL for Complainant's client-facing internet portal, and the Respondent has setup one of the disputed domain names with MX records, indicating a likelihood of malicious intent. Therefore, the Complainant has proved to the satisfaction of the Panel that the disputed domain names have been registered and used in bad faith within the meaning of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **clientboursorama.info**: Transferred
- 2. **clientborsorama.info**: Transferred

PANELLISTS

Name	Mike Rodenbaugh
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DATE OF PANEL DECISION	2022-11-21
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Publish the Decision