

Decision for dispute CAC-UDRP-104846

Case number	CAC-UDRP-104846
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Time of filing	2022-09-15 09:29:42
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Domain names	bolloreshanghai.com
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Case administrator

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

Organization	BOLLORE SE
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	meng zhen duan
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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 several trademarks including the term "BOLLORE", such as the international trademark registration BOLLORE® n° 704697, and also of several domain names as the <bollore.com> since 1997.

FACTUAL BACKGROUND

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. The disputed domain name <bolloreshanghai.com> was registered on September 7, 2022. It resolves to a website with pornographic content.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends each of the circumstances set forth by art. 4(a) of the Policy are met in the present case as: i) the disputed domain names entirely include the core of Complainant's well know trademarks, ii) there is no plausible justification with regards of any right and/or legitimate interest supporting its registration and use, iii) use of the dispute domain name in connection with the provision of adult content is revelatory of the intention to take unjust advantage of the Complainant's famous rights, with also the effect to tarnish the reputation of the BOLLORE trademark.

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

The Panel has counted more than eighty CAC-UDRP disputes involving the famous BOLLORE trademark owned by Complainant, which is It is one of the 500 largest companies in the world founded on 1822.

This case makes no exception and it consist in another clear-cut case of abusive registration of a domain name confusingly similar to the well-known BOLLORE trademark, neither the "SHANGAI" geographical denomination nor the ".com" suffix being able to offset the similarity deriving from the identical distinctive, dominant and famous element.

The lack of Respondent's response and the actual use of the disputed domain name are clearly supporting this Panel finding that the disputed domain name has been registered in order to make a commercial gain of the Complainant's famous brand deprived of any right and/or legitimate interest, consistently with settled CAC-UDRP cases as the following: CAC Case No. 102015, CAC Case No. 101696 and, with regards of the use of the Complainant's trademark as a domain to display adult content links, CAC-UDRP-104839.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bolloreshanghai.com**: Transferred

PANELLISTS

Name	Roberto Manno
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DATE OF PANEL DECISION 2022-11-23

Publish the Decision
