

Decision for dispute CAC-UDRP-104980

Case number CAC-UDRP-104980

Time of filing 2022-11-09 09:41:56

Domain names infosboursorama.com

Case administrator

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

Complainant

Organization BOURSORAMA SA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization Info Boursorama

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 relies on EU trademark no. 0017586 for the word mark BOURSORAMA registered since 19 October 2001.

FACTUAL BACKGROUND

The Complainant provides brokerage, financial information and banking services over the Internet through a portal at www.boursorama.com. It has over 4 million customers. The Complainant also owns the domain name boursoramabanque.com.

The disputed domain name, infosboursorama.com, was registered on 2 November 2022 but does not resolve to an active website. However, MX records have been configured, suggesting that it may be in use for email.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has registered rights in the mark BOURSORAMA. The disputed domain name contains the whole of the Complainant's highly distinctive mark, preceded by the string "infos" and followed by the generic top level domain suffix, .com. The initial string is a minor variant of "info", an abbreviation of "information" regularly used in connection with websites or in domain names. The Panel considers that this initial string is insufficient to avoid the likelihood of confusion resulting from the inclusion of the whole of the Complainant's distinctive mark in the disputed domain name.

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 Panel finds that the Respondent has not used or made any preparations to use the disputed domain name for any bona fide offering of services or for any legitimate non-commercial or fair use. The Panel further finds, on the undisputed evidence of the Complainant, that the Respondent is not commonly known by the disputed domain name or any corresponding name and has not been authorised by the Complainant to use it.

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 Panel is satisfied on the undisputed evidence that there is no realistic way in which the Respondent could use the disputed domain name in good faith. By registering it and holding it, the Respondent is threatening to use it in some way that will disrupt the Complainant's business and is thereby passively using it in bad faith. Furthermore, there is undisputed evidence that the Respondent may already be using it for emails which would inevitably be likely to deceive Internet users.

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

Disputed domain name contains the whole of the Complainant's distinctive registered mark together with descriptive or generic elements. There has been no bona fide use and the disputed domain name is such as to be incapable of bona fide use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **infosboursorama.com**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION **2022-12-19**
