# Decision for dispute CAC-UDRP-104986

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| Case number | CAC-UDRP-104986 |
| Time of filing | 2022-11-14 08:34:10 |
| Domain names | supportbourso.com |

## Case administrator

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

## Complainant

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| Organization | BOURSORAMA SA |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| 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 the owner of French registered trade mark n° 3009973 for BOURSO as a word mark file on 22 February 2000 in classes 9, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant was founded in 1995. It is a pioneer and leader in its three core businesses; i.e.  online brokerage, the provision of financial information on the Internet and online banking.

The Complainant is doing business in more than 80 countries worldwide and is listed at the Euronext Paris stock exchange. It has over 4.3 million customers in France and operates a website from the URL www.boursorama.com, which was the "first French online banking platform". It also owns the domain name <bourso.com>, registered since 11 January 2000.

The disputed domain name <supportbourso.com> (the "Domain Name") was registered on 7 November 2022 and is inactive.

PARTIES CONTENTIONS

The Complainant states that the Domain Name <supportbourso.com> is confusingly similar to its trademark BOURSO®. The Domain Name includes the trademark in its entirety.

The Complainant asserts that the Respondent is not identified in the WHOIS database as the Domain Name. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the Domain Name. The Complainant contends that Respondent did not make any use of Domain Name since its registration, and it confirms that Respondent has no demonstrable plan to use the Domain Name.

The Complainant asserts that its trademark BOURSO® was already known for at the time of the registration. Complainant contends that the Respondent has not demonstrated any activity in respect of the Domain Name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name 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.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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 is satisfied that the Complainant is the owner of a registered trade mark rights in the term BOURSO. In order to satisfy the first element of the Policy it is usually sufficient for a complainant to show that the relevant mark is "recognizable within the disputed domain name"; see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0"). The Domain Name can only be sensibly read as the term "bourso" in combination with the word "support" and the ".com" generic Top-Level Domain. The mark relied upon by the Complainant is, therefore, clearly recognisable in the Domain Name.

The Complainant has, therefore, satisfied the Panel that the Domain Name is confusingly similar to a trade mark in which it has rights and has thereby made out the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Name was registered and is being held with knowledge of the Complainant's business and rights and with the intention of taking some form of unfair advantage of the Complainant's rights. There is no attempt in the Complaint to address whether and to what extent the term "Bourso" has any meaning independent of the Complainant. Nevertheless, the Panel is persuaded by the Complainant's contention that the most likely explanation of the combination of the words "Support" and "Bourso" is as a reference to the customer support services of the Complaint. Indeed, it seems likely that the registrant of the Domain Name is, for whatever reason, seeking to impersonate the Complainant's customer support division. That contention is also supported by evidence in the form of Google search results for "support bourso", that overwhelmingly comprise references or links to the Complainant.

There is no right or legitimate interest in holding a domain name for such a purpose and the registration and use of a domain name for such a purpose is registration and use of a domain name in bad faith. It follows that the Complainant has also satisfied the requirements of paragraph 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **supportbourso.com**: Transferred

## PANELLISTS

| Name | **Matthew Harris** |
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DATE OF PANEL DECISION 2022-12-15

Publish the Decision