

**Decision for dispute CAC-UDRP-105111**

Case number	<b>CAC-UDRP-105111</b>
Time of filing	<b>2023-01-03 09:06:33</b>
Domain names	<b>epargneboursorama.com</b>

**Case administrator**

Organization	<b>Iveta Špiclová (Czech Arbitration Court) (Case admin)</b>
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**Complainant**

Organization	<b>BOURSORAMA SA</b>
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**Complainant representative**

Organization	<b>NAMESHIELD S.A.S.</b>
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**Respondent**

Name	<b>CLEMENT RENAULT</b>
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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 the European trademark BOURSORAMA® n°001758614 registered since October 19th, 2001. It also owns a number of domain names, including the same distinctive wording BOURSORAMA®, such as the domain names <boursorama.com>, registered since March 1st, 1998, and <boursoramabanque.com>, registered since May 26th, 2005.

## FACTUAL BACKGROUND

The Complainant established solid earlier rights in respect of the BOURSORAMA sign. It has become aware of the disputed domain name <epargneboursorama.com>, registered in the lack of any authorization by the Respondent on December 28th, 2022. The Complainant submits the disputed domain name has been registered and was used in bad faith, without the adjunctive word "EPARGNE" (French word for "savings") being able to dilute or avoid the speculative and confusingly similar character of the disputed domain name in respect of the Complainant's well-known mark.

## PARTIES CONTENTIONS

## COMPLAINANT:

The Complainant's rights in BOURSORAMA word dates back more than twenty years, and has been acknowledged in many UDRP decisions including several CAC's Panellist decisions as CAC Case No. 104433, BOURSORAMA SA v. 1337 Services LLC <fr-boursorama.com>; CAC Case No. 102278, BOURSORAMA v. yvette cristofoli, <boursorama-ecopret.com>; CAC Case No. 101844, BOURSORAMA SA likid french, <client-boursorama.net>. As a result, it is evident that the "epargne" verbal element is of no importance as it consist in a generic and descriptive term without effect on the impression raised by the dominant, distinctive and famous BOURSORAMA element. The Complainant contends that it has no business relationship with Respondent, did not authorize it to register the disputed domain name and states that the Respondent is using the disputed domain name to attract Internet visitors. At the time of the decision the disputed domain name was inactive.

## RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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## 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).

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## 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).

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## 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).

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## 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.

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## PRINCIPAL REASONS FOR THE DECISION

The Complainant is one the French leader in online information about the stock market (according to Wikipedia and its checked sources), aimed at both individual investors and professionals. The BOURSORAMA trademark is certainly well-known, and its owner have successfully affirmed its rights in legions of CAC UDRP proceedings, where the BOURSORAMA sign has been used in conjunction with many possible generic/descriptive terms as boursorama-clients.com (Decision for dispute CAC-UDRP-102340); boursorama-banque.website (Decision for dispute CAC-UDRP-102865); BOURSORAMA.STORE (Decision for dispute CAC-UDRP-103076), and many others.

Given the evident similarity between the signs, the lack of any legitimate interest in the Respondent's usage of the disputed domain name, and the famousness of the Trademark which is able to establish the full knowledge by the Respondent when it applied the disputed domain name together with the fact, that the disputed domain name remains inactive and Respondent did not provide any contentions, all the UDRP conditions according to §§ 4(a)(i), (ii) and (iii) of the Policy are present so that the disputed domain name must be transferred to the Complainant.

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## FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **epargneboursorama.com:** Transferred

PANELLISTS

Name **Roberto Manno**

DATE OF PANEL DECISION 2023-02-06

Publish the Decision