

Decision for dispute CAC-UDRP-105139

Case number	CAC-UDRP-105139
Time of filing	2023-01-19 09:51:00
Domain names	boursorama-contact.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BOURSORAMA
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Yamamoto Isoroku
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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 an EU trademark "BOURSORAMA" – Reg. No 1758614 – registered since October 19, 2001, in classes 9, 16, 35, 36, 38, 41, and 42.

The Complainant also owns a domain names portfolio including the wording "BOURSORAMA", such as <BOURSORAMA.COM>, registered since March 1, 1998.

FACTUAL BACKGROUND

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

The Complainant is a company active in Europe, particularly in France. The Complainant provides online brokerage internet banking services and digital financial information. The Complainant uses its trademark BOURSORAMA for its services.

The disputed domain name was registered on January 16, 2023. It does not point to any web site.

PARTIES CONTENTIONS

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain name is confusingly similar to the trademark "BOURSORAMA" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademark rights concerning "BOURSORAMA".

The disputed domain name includes the Complainant's trademark in its entirety. Further, the disputed domain name is confusingly similar to its trademark, as the generic term "-CONTACT" is not able to distinguish the disputed domain name from the trademark of the Complainant. Also, the addition of the gTLD suffix ".COM" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its mark in a domain name.

Furthermore, the disputed domain name does not correspond to the name of the Respondent and the Respondent is not commonly known as "BOURSORAMA".

In addition, the disputed domain name does not point to any website. This is an indication that the Respondent lacks rights and legitimate interests in the disputed domain name. It indicates also, that there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant's trademark "BOURSORAMA" is well-known. Given the distinctiveness of the Complainant's trademark and

reputation, it can be concluded that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark. This applies although the disputed domain name links to an inactive website. As previous Panels have held, the registration of a well-known trademark as domain name can be evidence of bad faith registration and use. The Complainant argued that there is no conceivable use that could be made of the disputed domain name that would not amount to an infringement of the Complainant's trade mark rights. In light of the fact that the trademark of the Complainant is well-known, the Panel agree with that view.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursorama-contact.com**: Transferred

PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION **2023-02-24**

Publish the Decision
