

Decision for dispute CAC-UDRP-105404

Case number	CAC-UDRP-105404
Time of filing	2023-04-28 11:57:52
Domain names	boursorama-confirmations.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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

Organization	Sahari Muti Inc
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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 owns the EU trademark n. 001758614 “BOURSORAMA” (word), registered since 19 October 2001 for goods and services in classes 09, 16, 35, 36, 38, 41, and 42.

The Complainant also owns several domain names incorporating the term “BOURSORAMA” such as <boursorama.com>, registered since 1 March 1998, and <boursoramabanque.com>, registered since 26 May 2005.

The disputed domain name <boursoramconfirmations.com> was registered on 25 April 2023, i.e., the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant is a provider of financial services in France. It regards itself a pioneer and leader in its three core businesses which are online brokerage, financial information on the Internet, and online banking. In France, the Complainant is the leading online bank with over 4,7 million customers. The Complainant’s web portal www.boursorama.com is the first national financial and economic information site and the leading French online banking platform.

The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's "BOURSORAMA" trademark, or to apply for registration of the disputed domain name.

As the disputed domain name includes the well-known and distinctive trademark „BOURSORAMA“, the Complainant asserts that the Respondent must have known about the Complainant and its rights at the time of the registration of the disputed domain name.

The disputed domain name <boursorama-confirmations.com> resolves to an otherwise blank web page with a link to the web address "eu.perjalanansuci.com". If this address is opened in a web browser, the user is automatically forwarded to the website at <https://www.interac.ca/>, which is operated by another payment services provider.

PARTIES CONTENTIONS

Complainant's contentions are summarised above.

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 disputed domain name is confusingly similar to the Complainant's well-known and distinctive trademark "BOURSORAMA". Merely adding the descriptive element "-confirmations" does not change the overall impression of the designation as being a reference to the Complainant's well-known and distinctive trademark "BOURSORAMA".

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent was aware of the Complainant's rights in the well-known designation "BOURSORAMA" when registering the disputed domain name. Again, this prima facie evidence was not challenged by Respondent, which supports the conclusion that the disputed domain name was registered in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). Furthermore, the Respondent has used the disputed domain name to advertise the web address "eu.perjalanansuci.com", which in turn automatically forwards to another payment services provider's website at <https://www.interac.ca/>. This indicates that by using the domain name, the Respondent has intentionally attempted to attract,

for commercial gain, Internet users to this competing website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. Pursuant to paragraph 4(b)(iv) of the Policy, this is evidence of the registration and use of the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Thomas Schafft
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DATE OF PANEL DECISION 2023-06-08

Publish the Decision