

Decision for dispute CAC-UDRP-105456

Case number **CAC-UDRP-105456**

Time of filing **2023-05-25 11:44:43**

Domain names **gestion-brsrma.com**

Case administrator

Name **Olga Dvořáková (Case admin)**

Complainant

Organization **BOURSORAMA**

Complainant representative

Organization **NAMESHIELD S.A.S.**

Respondent

Name **Jean Gabin**

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

According to the evidence submitted by Complainant, Complainant is the owner of European Union trademark BOURSORAMA with number 001758614 and registration date 19 October 2001.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <gestion-brsrma.com> was registered on 13 February 2023.

The disputed domain name redirects to a pay-per-click parking page with commercial links.

PARTIES CONTENTIONS

COMPLAINANT:

According to the information provided Complainant is a financial services company, including online brokerage, financial information on the Internet and online banking.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. The disputed domain name incorporates six letters of the BOURSORAMA trademark (i.e. "BRSRMA") as the respective initial elements. "BRSRMA" is the only element of the disputed domain name which is not a dictionary word. "BRSRMA" is the main and most obviously recognizable source identification element of the disputed domain name. The generic term "gestion" refers to Complainant's services. Coupled with the abbreviation of the trademark in the circumstances of this case the resulting disputed domain name is not sufficiently distinguished from Complainant's trademark and does not avoid confusing similarity between Complainant's trademark and the disputed domain name.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant contends that Respondent is not known by Complainant. Complainant also contends that Respondent is not affiliated with nor authorized by Complainant in any way. Complainant does not carry out any activity for, nor has any business with Respondent. Neither license nor authorization has been granted to Respondent to make any use of Complainant's trademark BOURSORAMA or to apply for registration of the disputed domain name. Finally, the disputed domain name resolves to a parking page. According to Complainant the disputed domain name has been registered for a phishing scheme which cannot be a bona fide or legitimate purpose

According to Complainant the disputed domain name is registered and is being used in bad faith. Complainant asserts that Respondent has registered the disputed domain name with full knowledge of Complainant's trademark. Furthermore, the disputed domain name is not used for any bona fide offerings, considering that the disputed domain name is connected to a website that is used to impersonate Complainant. It is likely that the main purpose of Respondent is to use the disputed domain name for "phishing" financial information in an attempt to defraud Complainant's customers for commercial gain. Using a disputed domain name to fraudulently phish for information is evidence of bad faith.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's BOURSORAMA trademark. Many UDRP decisions have found that a disputed domain name is confusingly similar to a complainant's trademark where the relevant trademark is recognizable within the disputed domain name; in the present case the disputed domain name includes six letters of Complainant's trademark and as such the trademark is clearly recognizable. The addition of the descriptive French term "gestion" (translation: "management") in the disputed domain name may be disregarded. The generic Top-Level Domain ("gTLD") ".com" is also disregarded under the first element confusing similarity test.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed

domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. In particular the Panel takes into account the undisputed submission of Complainant, supported by evidence, that the disputed domain name resolves to a pay-per-click parking website. Based on the presented evidence the Panel agrees that registration of a typosquatted version of famous trademark that the website under the disputed domain name might be used for fraudulent “phishing” purposes.

Respondent did not submit any response.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. The trademark of Complainant has been existing for a long time and is well-known especially as Respondent, at least according to the information provided by the Registrar, is also located in France. Respondent knew or should have known that the disputed domain name included Complainant’s trademark. The Panel also notes the potentation of fraudulent use of the disputed domain name as mentioned above.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **gestion-brsrma.com**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2023-06-20

Publish the Decision