

Decision for dispute CAC-UDRP-105623

Case number CAC-UDRP-105623

Time of filing 2023-07-13 12:17:28

Domain names bollore-logitics.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization BOLLORE SE

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Kani Mozhil

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 several trademarks for BOLLORE LOGISTICS including:

- International Trademark BOLLORE LOGISTICS with registration number 1025892 and registration date 31 July 2009, and
- International Trademark BOLLORE LOGISTICS with registration number 1302823 and registration date 27 January 2016.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <bollore-logitics.com> was registered on 6 July 2023.

According to the information provided by Complainant the disputed domain name resolves to a parking page with commercial links.

PARTIES CONTENTIONS

COMPLAINANT:

According to the evidence submitted by Complainant, Complainant was founded in 1822. Thanks to a diversification strategy based on innovation and international development, it now holds strong positions in all its activities around three business lines, Transportation and Logistics, Communication and Media. Complainant is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family. Its subsidiary Bolllore Logistics is a global leader in international transport and logistics with a presence in 146 countries and more than 15.000 employees. It maintains a website at www.bolllore-logistics.com.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. Indeed, the trademark BOLLORE LOGISTICS is misspelled in the disputed domain name. Complainant claims that the addition of a hyphen and the deletion of the letter "s" is not sufficient to avoid the likelihood of confusion with Complainant's trademark. Complainant submits that this is a clear case of typosquatting as the disputed domain name contains an obvious misspelling of Complainant's trademark.

Complainant submits that Respondent does not have any rights or legitimate interest in the disputed domain name. Complainant asserts that Respondent is not known as the disputed domain name. 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. Moreover, neither license nor authorization has been granted to Respondent to make any use of Complainant's trademark. Complainant also claims that the disputed domain name is a typosquatted version of the trademark BOLLORE LOGISTICS. Furthermore, the disputed domain name resolves to a parking page with commercial links. Past panels have found this is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Complainant contends that the disputed domain name is registered and is being used in bad faith. According to Complainant the disputed domain name is confusingly similar to its well-known and distinctive trademark. Thus, given the distinctiveness of Complainant's trademarks, Complainant claims that Respondent has registered the disputed domain name in knowledge of Complainant, which evidences bad faith.

Moreover, Complainant states that the misspelling in the disputed domain name was intentionally designed to be confusingly similar with Complainant's trademark. Previous UDRP Panels have seen such actions as evidence of bad faith. Furthermore, the disputed domain name resolves to a parking page with commercial links. Complainant contends that Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademark, which is evidence of bad faith use.

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 trademarks. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of trademark registrations for BOLLORE LOGISTICS. The disputed domain name incorporates the entirety of the well-known BOLLORE LOGISTICS trademarks as its distinctive element. The addition of the hyphen between the two parts of the trademarks and the deletion of a letter "s" in the disputed domain name is insufficient to avoid a finding of confusing similarity as the BOLLORE LOGISTICS trademarks remain the dominant component of the disputed domain name. The Top-Level Domain ("gTLD") "com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademarks predates the creation date of the disputed domain name.

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 noncommercial 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 the view of the Panel this case is a typical case of "typosquatting" which does not confer any rights nor interest in the disputed domain name. In addition, the use of a domain name to host a parking page consisting of pay-per-click links does not represent a bona offering of goods or services.

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. Respondent knew or should have known that the disputed domain name included Complainant's well-known BOLLORE LOGISTICS trademarks.

The Panel notes the undisputed submission of Complainant that the disputed domain name resolves to a website with automatically generated pay-per-click links leading to various websites. The fact that such links may be generated automatically does not prevent a finding of bad faith. The Panel further notes that the disputed domain name incorporates Complainant's trademark in its entirety, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bollore-logitics.com**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2023-08-08

Publish the Decision
