

Decision for dispute CAC-UDRP-105652

Case number CAC-UDRP-105652

Time of filing 2023-07-25 08:47:35

Domain names bforbank.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization BFORBANK

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name M Verschoor

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 relies on EU trademark no. 008335598 for the word mark BforBank registered in classes 9, 35, 36 and 38 on 8 December 2009.

FACTUAL BACKGROUND

The Complainant is an online bank operating under the mark BforBank. It is part of the Credit Agricole Group and was launched in October 2009 by Credit Agricole Regional Banks. It now has 240,000 customers. It is the owner of the registered EU mark BforBank mentioned above. It is also the registrant of the domain name <bforbank.com> registered since 16 January 2009 and has a full website at www.bforbank.com. The disputed domain name was registered on 28 June 2023.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has registered rights in the mark BforBank. The Panel finds that the disputed domain name is confusingly similar to this mark from which it differs only in the addition of an extra letter "n" and the generic top level domain name suffix, .com. In particular, Internet users who seek the Complainant's website at www.bforbank.com but mistype or misread the locator are liable to be confused.

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 Panel finds on the undisputed evidence that the Respondent has not used or made preparations to use the disputed domain name or any corresponding name for any bona fide offering of goods or services and has not made any legitimate non-commercial or fair use of it. Nor is the Respondent commonly known by any such name. The Panel also accepts the Complainant's statement that it has not authorised or licensed the Respondent to use any such name and is satisfied that there is no other basis on which the Respondent could claim any rights or legitimate interests in any such name.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the Respondent has 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

In view of the Complainant's established reputation, the Panel considers that the Respondent could not make any bona fide use of the disputed domain name. The Panel agrees that the Respondent had the Complainant's well-known trademark in mind when registering the disputed domain name. Since it is a miss-spelling of the Complainant's principal mark and name, it is not suitable for uses such as bona fide criticism. The Panel therefore infers that the Respondent registered the disputed domain name in bad faith and is now passively using it in 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 a "typosquat" of the principal mark and domain name of the Complainant, an established online bank. The disputed domain name is confusingly similar to the Complainant's registered mark. The Respondent has not made any bona fide use of the domain name or any corresponding name, has no rights or legitimate interests in respect of them, and registered and is using 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. **bforbank.com**: Transferred

PANELLISTS

Name Jonathan Turner

DATE OF PANEL DECISION 2023-09-03

Publish the Decision
