Decision for dispute CAC-UDRP-105883

Case number	**CAC-UDRP-105883**
Time of filing	**2023-10-16 09:36:33**
Domain names	**bforebank.website**

Case administrator

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

Complainant

Organization	**BFORBANK**

Complainant representative

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

Respondent

Organization	**sarah scoole**

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

Complainant is the owner of trademark registration for the BFORBANK mark in the European Union -- n°8335598 registered since June 2, 2009.

FACTUAL BACKGROUND

The disputed domain name was registered on September 27, 2023. The domain name is currently inactive and is reported as fraudulent by the Google Chrome browser.

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, 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). The addition of the letter “E” in the disputed domain is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark BFORBANK. It does not alter the phonetic similarity between the disputed domain name and the trademark. This is clearly a case of typosquatting. The addition of the new GTLD “.website” does not change the overall impression of the designation as being connected to Complainant’s trademark.

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). Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy. Here, the Respondent has failed to appear in response, and thus the Panel accepts the Complainant's allegations on this element.

Specifically, Complainant asserts that the Respondent is not identified in the Whois database with reference to the disputed domain name. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark BFORBANK. The Complainant also claims that the disputed domain name is a typosquatted version of the trademark BFORBANK, and this is evidence of no legitimate interest in the domain. Finally, the disputed domain name is inactive and reported as fraudulent, further indicating that Respondent has no legitimate interest in the disputed domain name.

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). The Respondent registered the disputed domain name several years after the registration of the trademark BFORBANK by the Complainant. Given the distinctiveness of the Complainant's trademark, the Complainant contends that it is inconceivable that the Respondent, who is French, could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark. The Panel agrees, and finds that the misspelling of the trademark BFORBANK was most likely intentionally designed to be confusingly similar with the Complainant’s trademark. Furthermore, the disputed domain name is inactive and reported as fraudulent. Respondent failed to respond, and there is no contrary evidence before the Panel. Thus, the Panel finds sufficient evidence and inference of bad faith to satisfy the third element 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bforebank.website**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2023-11-10

Publish the Decision