# Decision for dispute CAC-UDRP-106039

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| Case number | CAC-UDRP-106039 |
| Time of filing | 2023-12-05 09:25:48 |
| Domain names | boursobk-online.com |

## Case administrator

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

## Complainant

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| Organization | BOURSORAMA |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| Name | Frederic Discot |

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 is the owner of the French trademark BOURSO n°3009973 registered on February 22, 2000.

FACTUAL BACKGROUND

The disputed domain name was registered on September 28, 2023, and resolves to the registrar parking page. Moreover, MX servers are configured.

PARTIES CONTENTIONS

The Complainant's contentions are discussed as to each element of the Policy, below.

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 Complainant is the owner of the French trademark BOURSO n°3009973 registered on February 22, 2000. The Respondent is a French resident, according to the Verification provided by the registrar. The addition of the terms “BK” (short for “bank”) and “ONLINE” is not sufficient to escape the finding that the domain name is confusingly similar to the trademark BOURSO. It does not change the overall impression of connection to the 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). The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant contends that the 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 BOURSO, or apply for registration of the disputed domain name. The Complainant contends that the Respondent did not make any use of disputed domain name as it remains parked with a registrar holding page. Respondent has not appeared in response, to identify any demonstrable plan to legitimately use the disputed domain name. Thus, the Panel finds a lack of legitimate interests in respect of the disputed domain name, as it appears registered solely to create a likelihood of confusion with the Complainant and its trademark.

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). Given the distinctiveness of the Complainant's trademark, and the addition only of generic descriptors BK and ONLINE, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. Complainant argues that the Respondent has not demonstrated any legitimate activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law. The disputed domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes. This is also indicative of bad faith registration and use because any e-mail emanating from the disputed domain is unlikely to be for any good faith purpose. In absence of any response from Respondent, and under all of the circumstances, the Panel agrees that the disputed domain name has been registered and used in bad faith.

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. **boursobk-online.com**: Transferred

## PANELLISTS

| Name | **Mike Rodenbaugh** |
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DATE OF PANEL DECISION 2024-01-11

Publish the Decision