Decision for dispute CAC-UDRP-106342

Case number	CAC-UDRP-106342
Time of filing	2024-03-12 10:13:41
Domain names	ballorelogistics.com

Case administrator

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

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Ballore Logistics

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 :

- International Trademark no. 1025892 for a logo comprising primarily the words "Bolloré Logistics" registered on 31 July 2009 in classes 35, 36 and 39;
- International Trademark no. 1302823 for a logo comprising primarily the words "Bolloré Logistics" registered on 27 January 2016 in classes 4, 9, 35, 36, 39, 40 and 42.

FACTUAL BACKGROUND

The Complainant was founded in 1822 and is now one of the 500 largest companies in the world. It specialises in transportation and logistics, communication and media, and electricity storage and solutions. The group has 56,000 employees and annual turnover of over 20 billion Euros.

The Complainant has registered logos comprising primarily the words "Bolloré Logistics" as international trademarks, as detailed above. The Complainant also owns and uses various domain names including <bollore-logistics.com> which has been registered since 20 January 2009.

The disputed domain name was registered on 8 March 2024 and is directed to a website offering competing logistics services under the name BALLORE LOGISTICSS.

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 Panel finds that the Complainant has registered rights in logo marks comprising primarily the words "Bolloré Logistics". The Panel is also satisfied that the disputed domain name is confusingly similar to these marks. It differs from the primary features of these marks only in the change of the first "o" in "Bolloré" to "a" and in the addition of the top level domain name suffix which it is appropriate to discount in this context. As the Complainant observes, it is a clear case of typosquatting.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to trademarks or service marks in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel considers that the use made by the Respondent of the disputed domain name is not a bona fide offering of goods or services. On the contrary, it is a use in bad faith to divert customers from the Complainant by creating a likelihood of confusion with the Complainant's marks. Nor is it a legitimate non-commercial or fair use; on the contrary, it is commercial and unfair. The Respondent is not commonly known by the disputed domain name and has not been authorised to use it by the Complainant.

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.

BAD FAITH

The Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark. In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence of registration and use of the disputed domain name in bad faith. There is no evidence in the file displacing this presumption.

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 Complainant is a large and long-established company. The disputed domain name is a typosquat of the primary words of the Complainant's marks and is confusingly similar. The Respondent has no rights or legitimate interests in the disputed domain name and is using intentionally to attract Internet users to the Respondent's website for commercial gain by confusion with the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ballorelogistics.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2024-04-24

Publish the Decision