Decision for dispute CAC-UDRP-106589

Case number	CAC-UDRP-106589
Time of filing	2024-06-11 11:03:41
Domain names	boursogroup.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Thobias Lokven

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 has proved to own the following trademark:

- French Trademark “BOURSO” No. 3009973, dated February 22, 2000, duly renewed, covering goods and services in classes 9 ; 35 ; 36 ; 38 ; 41 and 42;
- French device Trademark No. 5009966, dated November 28, 2023, covering goods and services in classes 9 ; 35 ; 36 ; 38 ; 41 and 42.

Besides, the Complainant also owns the following domain names containing the BOURSO denomination:

- <boursorama.com>, registered since March 1, 1998;
- <bourse.com>, registered since January 11, 2000.

FACTUAL BACKGROUND

BOURSORAMA is the pioneer and leader in its three core businesses, online brokerage, financial information on the Internet and online banking, BOURSORAMA based its growth on innovation, commitment and transparency. In France, BOURSORAMA is the

online banking reference with over 6 million customers. The portal www.boursorama.com is the first national financial and economic information site and first French online banking platform, with over 41,5 million visits each month.

Respondent registered the disputed domain name < boursogroup.com > on May 31, 2024.

The disputed domain name redirected the Internet users on an authentication page without any other content and MX servers were configured. Further to the filing of this Complaint, the disputed domain name now resolves to a website related to banking services and displaying the Complainant's logo on which the Complainant's has prior rights.

The Complainant submitted the following documents to prove the abovementioned facts:

Annex 1: Information regarding the Complainant

Annex 2: Complainant’s trademark

Annex 3: Complainant’s domain name

Annex 4: Whois of disputed domain name

Annex 5: Screenshot of the website

Annex 6: DNS configuration

Annex 7: Google search

Annex 8: Uptated copy of the website

Annex 9: Copy of the Complainant's logo rights

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).

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).

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

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the disputed domain name <boursogroup.com> is confusingly similar to the Complainant's BOURSO trademark.

Firstly, the Complainant's BOURSO trademark is incorporated in the disputed domain name in its entirety.

Secondly, in the Panel's opinion, the mere addition of the generic word "group" does not prevent the similarity between the Complainant's trademarks and the aforementioned disputed domain name as it refers to the Complainant's business entity or conglomerate.

Thus, the Panel finds that disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy).

The Complainant asserted that the Respondent has never been granted a license, or any other way been authorized, in order to register the disputed domain name <boursogroup.com>. In addition, the Respondent never sought the consent of the Complainant in order to register the aforementioned disputed domain name. Consequently, the Respondent lacks any right or legitimate interest in using the disputed domain name.

Furthermore, the disputed domain name redirected to an authentication page where internet users could enter personal information in order to log in. As email servers were configured, this may constitute a phishing scheme aimed to mislead internet users into providing confidential information. Additionally, a few days after the Complaint was submitted, the disputed domain name redirected to a new website related to the banking services and displaying the Complainant's logo.

Therefore, the Panel finds that use of the domain name for illegal activity, here claimed phishing and impersonation, cannot confer rights or legitimate interests on the Respondent.

Bad Faith (paragraph 4(a)(iii) of the Policy).

In the present case, the Panel notes that given the trademark's distinctiveness, renown, and the composition of the disputed domain name, the Respondent was likely aware of the Complainant's trademark rights at the time of registration. Such awareness is indicative of bad faith registration.

Furthermore, it seems that the Respondent has registered the disputed domain name for the sole purpose of misleading users as part of a phishing scheme to fraudulently obtain internet users' private personal information. Indeed, the disputed domain name initially redirected to a login page where internet users could enter personal information in order to access the website. Moreover, MX servers are configured, which suggests that it may be actively used for phishing purpose. After submitting its Complaint, the disputed domain name redirected to a new website related to the Complainant's field of activity, namely the banking services, and displaying the Complainant's logo.

To the Panel's opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursogroup.com**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-07-15

Publish the Decision