Decision for dispute CAC-UDRP-106732

Case number	CAC-UDRP-106732
Time of filing	2024-09-11 12:24:50
Domain names	bollorelogistics.pro

Case administrator

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

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	ORACKLLE LLC

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 owns a number of trademarks including the wording “BOLLORE LOGISTICS” in several countries registered for transportation and logistic services, such as the international trademark BOLLORE LOGISTICS n°1025892 registered since July 31, 2009, and the international trademark BOLLORE LOGISTICS n°1302823 registered since January 27, 2016.

The Complainant also owns various domain names, such as <bollore-logistics.com> registered since January 20, 2009.

FACTUAL BACKGROUND

The Complainant founded in 1822 operates in transportation and logistics and has a website at www.bollore.com.

The Complainant is one of the 500 largest companies in the world. Listed on the Paris Stock Exchange, the majority interest of the Group's stock is always controlled by the Bolloré family.

With more than 76,000 employees worldwide, the BOLLORE Group has a revenue of 13,679 million euros, with a shareholders' equity of 36,406 million euros based on results in 2023.

BOLLORE LOGISTICS, its former subsidiary, is a global leader in international transport and logistics with a presence in 146

countries and 14,000 employees and has a web site at www.bollore-logistics.com).

The disputed domain name <bollorelogistics.pro> was registered on September 4, 2024 and resolves to a website template. MX servers have been configured for the disputed domain name.

PARTIES CONTENTIONS

The Complainant contends that:

A. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant contends that the disputed domain name <bollorelogistics.pro> is identical to the Complainant's trademark BOLLORE LOGISTICS. The addition of the gTLD ".PRO" is not sufficient to escape the finding that the disputed domain name is identical to the Complainant's trademark and does not change the overall impression of the designation being connected to the Complainant's trademark.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name

According to WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., the 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.

The Complainant asserts that the Respondent is not commonly known by the disputed domain name as indicated by the WhoIs database details. Past panels have held that a Respondent was not commonly known by a disputed domain name if the WhoIs information bears no relation to the disputed domain name. See Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).").

The Complainant contends that the Respondent is not affiliated with, nor authorized by the Complainant in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for and does not have any business with the Respondent.

Furthermore, the disputed domain name points to a generic website template demonstrating a lack of legitimate interests. Indeed, the disputed domain name could not be used without creating a likelihood of confusion with the Complainant's trademark. The Respondent has no demonstrable plan to use the disputed domain name.

C. The disputed domain name was registered and is being used in bad faith

The Complainant states that the disputed domain name <bollorelogistics.pro> is identical for the purposes of the Policy to its well-known and distinctive trademark and associated domain name.

Given the distinctiveness of the Complainant's international trademark, the Complainant claims that the Respondent has registered the domain name in full knowledge of the Complainant, which evidences bad faith. Please see WIPO Case No. D2019-2112, Bollore v. WhoIs Privacy Protection Foundation / Anderson Paul ("Given the circumstances of the case, including the evidence on record of the use of the Complainant's trademark BOLLORÉ LOGISTICS, and the distinctive nature of this mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's mark.").

Furthermore, the disputed domain name points to a website template, without any information regarding the owner. The Complainant contends that the Respondent has not demonstrated any 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, an infringement of the Complainant's rights under trademark law, or an attempt to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with Complainant's trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website.

Finally, the MX servers are configured for the disputed domain name which suggests that the disputed domain name may be actively used for e-mail purposes. Please see CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono ("There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.").

Thus, the Complainant contends that the disputed domain name <bollorelogistics.pro> was registered and is being used in bad faith.

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

Response

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

The disputed domain name registered in 2024 is identical to the Complainant's trade mark (registered, inter alia, as an international trade mark for transport and logistical services since 2009) for the purposes of the Policy adding only the gTLD .pro which is a standard registration requirement of a domain name.

The Respondent is not commonly known by the disputed domain name or authorised by the Complainant.

The disputed domain name points to a generic commercial website template and so there is no bona fide offering of goods or services or legitimate non commercial fair use.

The Respondent has not answered the Complaint or rebutted the prima facie case evidenced by the Complainant herein.

The disputed domain name, consisting essentially of the Complainant's distinctive trade mark, is being passively held and has been opportunistically registered and 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. **bollorelogistics.pro**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2024-10-05

Publish the Decision