# Decision for dispute CAC-UDRP-106842

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| Case number | **CAC-UDRP-106842** |
| Time of filing | **2024-09-04 11:16:53** |
| Domain names | **boursoimmo-client.pro, boursoimmoclient.pro** |

## Case administrator

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| Name | **Olga Slanařová (Case admin)** |

## Complainant

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| Organization | **BOURSORAMA** |

## Complainant representative

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

## Respondents

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| Name | **Alain Laurent** |
| Name | **David Lopez** |

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 names.

IDENTIFICATION OF RIGHTS

The Complainant relies on the following trademark:

- “BOURSO”, French Trademark Registration No. 3009973, filed on 22 February 2000, and duly renewed since, claiming goods and services in classes 9, 35, 36, 38, 41 and 42

The Complainant indicates also owning a number of domain names, including the wording BOURSO such as the domain names <immo-bourso.com>, registered since 12 December 2022 and the domain name <bourso.com>, registered since 11 January 2000.

FACTUAL BACKGROUND

The Complainant, operating under the name of BOURSOBANK, is a French company founded in 1995, active and known in the financial field, namely in online banking, online brokerage and financial information on the Internet. Ever since, the Complainant has grown and acquired commercial presence in France and abroad, mainly through its portal www.boursorama.com.

The Complainant owns a fair-sized portfolio of trademarks including the wording "BOURSO", among which a French registration for “BOURSO” n°3009973 registered on 22 February 2000 duly renewed since.

The Complainant also owns a number of domain names, including the wording BOURSO such as the domain names <immo-bourso.com>, registered since December 12, 2022 and the domain name <bourso.com>, registered since January 11, 2000

The disputed domain names <BOURSOIMMO-CLIENT.PRO> and <BOURSOIMMOCLIENT.PRO> were registered on 3 September 2024 by the Respondents, respectively Alain LAURENT and David LOPEZ (as confirmed by the Registrar) and land both on a parking page in connection with real estate and financial information.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domains names should be transferred to it. The Complainant makes a number of legal arguments and also supplies a set of annexes providing evidence of its activities and of the Respondent's use of the disputed domain name.

No administratively compliant Response has been filed by either Respondents. It ought to be indicated that the Centre sent of the complaint but nor the advice of delivery thereof was returned to the Czech Arbitration Court. The notice of the Commencement of the administrative proceeding was therefore only sent by e-mail. Yet, the e-mail notice sent to <postmaster@boursoimmoclient.pro> and <postmaster@boursoimmo-client.pro> were returned back undelivered as the e-mail addresses had permanent fatal errors. The e-mail notices were also sent to <davidlopez6598@proton.me> and to <alainlaurent9821@proton.me>, but the CAC never received any proof of delivery or notification of undelivery. No further e-mail addresses could be found on the disputed sites.

The Respondents never accessed the online platform.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 Respondents to have no rights or legitimate interests in respect of the disputed domain names (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 names have been registered and are 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

## CONSOLIDATION

The Complainant has requested that the proceedings concerning both disputed domain names are consolidated into single proceedings in accordance with paragraph 4(f) of the UDRP and paragraphs 3(c) and 10(e) of the UDRP Rules. The Complainant asserts that all disputed domain names are owned or under the effective control of a single person or entity, or a group of individuals acting in concert. In support of this assertion, the Complainant contends that the disputed domain names:

- the disputed domain names use a privacy protect service to mask the registrants;

- the disputed domain names use Namecheap Inc. as registrar;
- the disputed domain names were all registered on the exact same day;
- the disputed domain names redirect to an identical parking page with commercial links in an identical or similar field of activity of the Complainant;
- the similarity of disputed domain names anatomy to one another; and

Once the privacy was waived, the Complainant indicates that the Registrants both use the same email, namely "proton.me".

Section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") provides as follows:

"Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder."

For the above reasons put forward by the Complainant, the Panel concludes that there are sufficient grounds to support the conclusion that the disputed domain names are subject to common control and that consolidation would be fair and equitable to all Parties.

**DECISION**

RIGHTS

The Complainant has established rights in the name BOURSO. The disputed domain names <BOURSOIMMO-CLIENT.PRO> and <BOURSOIMMOCLIENT.PRO> are found to be confusingly similar to the Complainant's Trademark. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

- disregarding the top-level suffix in the domain names (i.e. ".pro");
- disregarding the hyphen in <BOURSOIMMO-CLIENT.PRO>;
- finding that the identical reproduction of the trademark right or same with the adding of generic words i.e. "immo" (for real estate in French language) and "client" would not be considered sufficient to distinguish the domain names from the concerned trademark being reproduced strictly identically which is intentionally designed to be confusingly similar with the trademark, i.e. a case of typosquatting;

The disputed domain names are therefore confusingly similar to the earlier right "BOURSO", and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant's assertions that the Respondents are not commonly known by either disputed domain names and are not affiliated with or authorised by the Complainant are sufficient to constitute prima facie showing of absence of rights or legitimate interest in the disputed domain names on the part of the Respondents.

Therefore, in the absence of the Respondents' response, the Panel concludes that there is no indication that the disputed domain names were intended to be used in connection with a bona fide offering of goods or services as required by UDRP.

Consequently, the evidentiary burden shifts to the Respondents to show by concrete evidence that they do have rights or legitimate interests in that respective disputed domain name. However, the Respondents failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a) (ii) of Policy).

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain names were registered by the Respondents and are being used by the Respondents in bad faith.

For this purpose, the Complainant has successfully put forward prima facie evidence that the Respondent has not made use, or demonstrable preparations to use, of either the disputed domain names in connection with a bona fide offering of goods or services, or of making a legitimate non-commercial or fair use of the disputed domain names. This prima facie evidence was not challenged by the Respondents.

The disputed domain names redirect to an identical parking page with commercial links in the field of the Complainant's services. Such making use of the disputed domain names, obviously in a potential fraudulent manner, neither qualifies as a bona fide nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests in the disputed domain names. The potential collection of personal data or passwords via phishing process being one possible fraudulent act.

Additionally, it may be noticed that one website title is "This website is for sale! - boursoimmo client" (information collected on the copy of the Whois database provided by the Complainant).

The Respondents have failed to demonstrate any activity in respect of the disputed domain names, and it is not possible to conceive of any plausible actual or contemplated active use of the domain names by the Respondents that would not be illegitimate, by passing off, infringement of consumer protection legislation, or infringement of the Complainant's rights under trademark law.

In the absence of a Response and given the reputation of the Complainant and its trademark(s), company name and domain name as supported by the Complainant's evidence, the Panel must conclude that the Respondents were fully aware of the Complainant's trademark "BOURSO" and domains <bourso.com> and <immo-bourso.com> at the time of registering the disputed domain names <BOURSOIMMO-CLIENT.PRO> and <BOURSOIMMOCLIENT.PRO>.

Therefore, it has been established to the satisfaction of the Panel that the disputed domain names were registered and are being used in bad faith, in order to prevent the Complainant from making proper use of the mark in the disputed domain names <BOURSOIMMO-CLIENT.PRO> and <BOURSOIMMOCLIENT.PRO>.

The Panel concludes that the Respondents have registered and are using the disputed domain names in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursoimmo-client.pro**: Transferred
2. **boursoimmoclient.pro**: Transferred

## PANELLISTS

| Name | **David-Irving Tayer** |
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DATE OF PANEL DECISION 2024-10-05

Publish the Decision