Decision for dispute CAC-UDRP-106880

Case number	CAC-UDRP-106880
Time of filing	2024-09-18 12:27:28
Domain names	bollorecarrier.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Puuzz 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 holds several trademarks, including the term “BOLLORE”, including the international trademark registration BOLLORE n° 704697.

FACTUAL BACKGROUND

Complainant:

The Complainant, founded in 1822, is one of the 500 largest companies in the world and listed on the Paris Stock Exchange, specialised in logistics, communication, and industry.

Respondent:

The Respondent registered the disputed domain name on 13 September 2024.

PARTIES CONTENTIONS

The Complainant

The Complainant, as the owner of the trademark rights in respect of the mark “BOLLORE”, asserts that the disputed domain name, which incorporates the Complainant’s mark in its entirety, is causing confusion among internet users.

The Complainant asserts that the disputed domain name at issue is identical or confusingly similar to the Complainant’s “Bollore” mark, as the disputed domain name comprises the Complaint’s mark in its entirety.

The Complainant also alleges that Respondent has no rights or legitimate interests in respect of the domain name mainly for the following facts:

- The Respondent is not in any way connected, associated, or affiliated with Complainant;
- The Complainant has never authorized or consented to the registration or use of the disputed domain name;
- The disputed domain name points to a template of website.

The Complainant further contends that the disputed domain name was registered in bad faith and is being used in bad faith. The Complainant asserts its trademark is well-known globally, and, as such, it is inconceivable that the Respondent was not aware of the Complainant’s business and its trademarks at the time of registering the disputed domain name. Moreover, the disputed domain name was resolved to a template website without any information regarding the Respondent. The Complainant also submitted evidence that the disputed domain name may be used for e-mail purposes.

The Respondent

The Respondent did not submit a Response in respect of the Complaint within the required period of time.

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

Paragraph 4(a) of the Policy directs that the Complainant must prove **each of** the following:

1) that the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

2) that the Respondent has no rights or legitimate interests in respect of the domain name; and

3) that the domain name has been registered and is being used in bad faith.

A) Identical or Confusing Similarity

The Panel finds that the Complainant has established its registered trademark rights in respect of the name "Bollore" by providing the relevant trademark registration information. The Complainant also draws the Panel's attention a number of recent UDRP cases, the panels in these cases all confirm the Complainant's trademark rights in respect of "bollore".

The Panel also notes that the Complainant also owns and communicates on the Internet through various domain names, the main one being <bollore.com>, registered on 25 July 1997. The fact that Complainant has registered its mark "Bollore" as domain names under different TLDs reveals that Complainant's "Bollore" mark has been recognized and used extensively over the Internet. The extensive use of the "Bollore" mark reinforces the Complainant's trademark rights.

The Panel agrees that it has been a well-established rule that it's not necessary for UDRP panels to consider the suffix or the top-level-domain part of the disputed domain name when considering the identical or confusing similarity issue under paragraph 4 (a) of the Policy. In the present case and disregarding the ".com" part in the disputed domain name, the Panel finds that the inclusion of a generic term "carrier" into the disputed domain name does not help distinguish between the Complainant's trademark and the disputed domain name.

On this basis, the Panel finds that the Complainant has established the first element of the UDRP that the disputed domain name is identical or confusingly similar to the Complainant's "Bollore" mark.

B) Rights or Legitimate Interests of the Respondent

While the Complainant bears the overall burden of proof in UDRP proceedings, various UDRP panels have recognized that if a complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, then the burden of proof of this element shifts to the Respondent to produce relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to provide such relevant evidence, the Complainant is deemed to have satisfied the second element.

Having considered the totality of the evidence in the present case, the Panel accepts that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. On the other hand, the Respondent has provided no evidence that it has rights or legitimate interests in the disputed domain name.

C) Bad Faith

Paragraph 4(a) of the Policy requires the Complainant to prove both registration and use in bad faith. Nonetheless, Paragraph 4(b) of the Policy sets out particular scenarios, which shall be evidence of the registration and use of a domain name in bad faith. They are:

> (i) circumstances indicating that the Respondent has registered or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent’s documented out of pocket costs directly related to the domain name; or
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> (ii) the Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct;

or

(iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The Panel finds that the Complainant's mark "Bollore" is well-known and enjoys a high and longstanding reputation in logistics, communication, and industry fields in many countries worldwide. As such, the Panel infers that the Respondent must have been fully aware of the Complainant's trademark and its goodwill before registering the disputed domain name.

The Panel's inference was substantiated by the fact that the generic term "carrier" was included in the disputed domain name, which means "a person a person or thing that carries, holds, or conveys something" and "a person or company that undertakes the professional conveyance of goods or people" according to Oxford Languages. This fact confirms that the Respondent is very familiar with the Complainant's business operations in logistics.

Having established that the Respondent has no rights or legitimate interests in the disputed domain name, the Panel concludes that the Respondent's registration and use of the disputed domain name was not a coincidence, but a deliberate act of bad faith under paragraph 4b(iv) of the Policy.

Considering the totality of the evidence submitted before the Panel, the Panel finds 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. **bollorecarrier.com**: Transferred

PANELLISTS

Name	**Dennis Weiping CAI**

DATE OF PANEL DECISION 2024-10-31

Publish the Decision