Decision for dispute CAC-UDRP-107136

Case number	CAC-UDRP-107136
Time of filing	2024-12-12 14:04:18
Domain names	bforbks-espace.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BFORBANK

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	1999

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 is the registered owner of European trademark registration no. 008335598 "BforBank", registered on December 8, 2009, in classes 9, 35, 36, and 38 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is an online bank launched in October 2009. It offers daily banking, savings, investment, and credit services for 230.000 customers. It owns a number of domain names, such as <bforbank.com>, registered since January 16, 2009.

The disputed domain name was registered on November 28, 2024, and resolves to a parking page with commercial links. Furthermore, it is connected to MX servers.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant argues that the disputed domain name is confusingly similar to their Trademark. They claim that the deletion of the letters “AN”, the addition of the letter “S”, and the addition of the generic term “ESPACE” (French for “SPACE”) is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Trademark. Additionally, they state that the TLD ".com" does not prevent confusion either.

The Complainant also asserts that the Respondent has no rights or legitimate interest in the disputed domain name. They explain that the Respondent is not identified in the Whois database as the disputed domain name, that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name, and that the use in connection with a parking page with commercial links is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Regarding bad faith, the Complainant states that the disputed domain name was registered and is being used in bad faith. They claim that the Respondent has registered the disputed domain name several years after the registration of the Trademark by the Complainant, which has established a strong reputation while using this trademark, that all results from a Google search on the terms “BFORBKS ESPACE” refer to the Complainant, and that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the Trademark. With regard to bad faith use, the Complainant states that the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant’s trademarks for its own commercial gain, which is an evidence of bad faith. Finally, the Complainant states that MX servers are configured which suggests that the disputed domain name may be actively used for email purposes.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark. Given that “bk” might stand as an abbreviation for “bank” and the disputed domain name is identical to the Trademark in the first five letters, the Panel considers that the similarities between the disputed domain name and the Trademark are sufficient to find confusing similarity under the UDRP. In particular, the facts that the public reads domain names from left to right and that "bfor" is the most distinctive part of the Trademark ("bank" is highly descriptive of banking services) support a finding of sufficient similarity in this case.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and, therefore, failed to prove any rights or legitimate interests in the disputed domain name. Based on the evidence on file, the Panel cannot find any rights or legitimate interests of the Respondent either, as the disputed domain name is not generic and the Respondent's use of the disputed domain name does not indicate the existence of any rights or legitimate interests of its own. Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3. The Panel is convinced, that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark. This finding is supported by the facts that the disputed domain name includes a French generic term which clearly refers to the French Complainant and its business and that the Trademark has been registered and used online for over a decade before the disputed domain name has been registered.

Regarding bad faith use, by utilizing the disputed domain name for a landing page featuring advertising links promoting third-party products and services, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant’s website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bforbks-espace.com**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2025-01-06

Publish the Decision