Decision for dispute CAC-UDRP-107116

Case number	CAC-UDRP-107116
Time of filing	2024-12-02 10:26:49
Domain names	boursormabank.online

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Amundi Credit

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 owner of the EU trademark BOURSORAMA no. 001758614 registered since 2001-10-19 and of the French trademark BOURSORAMA BANQUE no. 3676762 registered since 2009-09-16.

FACTUAL BACKGROUND

I. The Complainant

The Complainant, BOURSORAMA S.A., is active in online brokerage, financial information on the Internet and online banking.

According to the Complainant's submissions, BOURSORAMA is the online banking reference with 6 million customers in France and the portal www.boursorama.com is the first national financial and economic information site and first French online banking platform.

II. The disputed domain name

<boursormabank.online> was registered on November 27th, 2024 and resolves to a parking page with commercial links. In addition, MX servers are configured in the disputed domain name.

PARTIES CONTENTIONS

Complainant submissions.

As regards the first element of the Policy, the Complainant supports that the disputed domain name is confusingly similar to its trademark BOURSORAMA and BOURSORAMA BANK since it differs only by one letter.

As regards the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has never authorized the Respondent to use the BOURSORAMA trademark. The Complainant adds that the Respondent does not carry out a fair or makes a non-commercial use of the disputed domain name.

As regards the third element of the Policy, the Complainant supports that the Respondent was aware of its rights on the BOURSORAMA trademark at the time of the registration of the disputed domain name. Furthermore, the fact that <boursormabank.online> points to a parking page with commercial links confirms the use in bad faith of the disputed domain name.

Respondent submissions.

The Respondent did not file an administrative reply to the complaint.

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

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

The Panel agrees that <boursormabank.online> is confusingly similar to the BOURSORAMA and BOURSORAMA BANQUE trademarks owned by the Complainant. As a matter of fact, the disputed domain name is composed by a clear misspelling of BOURSORAMA (BOURSORMA / BOURSORAMA). The difference in one letter ("a") does not exclude the similarity between the disputed domain name and the previous trademark.

Moreover, the addition of the generic term "bank" does not affect the confusing similarity assessment as this term could be easily associated to the Complainant's field of activity.

Last the disputed domain name's extensions ".online" has only a technical function and consequently it should be disregarded for the purpose of assessing the first element of the Policy.

B. Rights and legitimate interests, Para. 4(a)(ii)

Under paragraph 4(a)(ii) of the Policy, a complainant has the burden of establishing that a respondent lacks rights or legitimate interests in respect of a domain name, but this burden is light. It is sufficient in the first instance for Complainant to allege a prima facie case, and if the evidence presented is persuasive or yields a positive inference that Respondent lacks rights or legitimate interests, the burden shifts to Respondent to rebut the allegations.

In this case, the Panels finds that the Complainant's submitted evidence and allegations, to which the Respondent did not reply, are sufficient to establish a prima facie case of lack of rights and legitimate interests in the disputed domain name.

In particular the Complainant denies that the Respondent has ever been authorized to use BOURSORAMA trademark as a domain name. Moreover, the WHOIS information excludes that the Respondent could be commonly known with the sign BOURSORAMA or BOURSORAMA BANQUE.

Finally, the disputed domain name points to a parking page with commercial links. These links are not justified by a descriptive meaning of the word BOURSORAMA and in some cases they refer to the same field of activity in which the Complainant is active. These facts exclude, in the Panel's view, that there is a bona fide offering of goods or services or a legitimate non-commercial or fair use for the purpose of the policy.

C. Registration and use in bad faith, Para. 4(a)(iii)

As far as registration in bad faith is concerned, the Panel finds particularly relevant the following circumstances:

i) the disputed domain name contains a misspelling of the BOURSORAMA trademark. Previous panels found that typosquatting is an index of registration in bad faith;

ii) the disputed domain name combines the Complainant's misspelled BOURSORMA with BANK which is a clear reference to the Complainant's field of activity;

These circumstances, in the absence of a reasonable justification by the Respondent, suggest that the Respondent was perfectly aware of the Complainant's trademarks and business at the time of the registration of the disputed domain name.

As regards the use in bad faith, <boursormabank.online> is used in connection with a website containing PPC links. These links are, in part, related to the same field of business in which the Complainant is active. In the Panel's view the PPC links compete with and capitalize on the reputation and goodwill of the Complainant's trademark. It is also of relevance the fact that MX are active in the disputed domain name.

For these reasons the Panel concludes that the disputed domain name is also 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. **boursormabank.online**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2025-01-13

Publish the Decision