

## Decision for dispute CAC-UDRP-107094

Case number CAC-UDRP-107094

Time of filing 2024-12-12 09:36:24

Domain names b0stik.com

### Case administrator

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

### Complainant

Organization BOSTIK SA

### Complainant representative

Organization IN CONCRETO

### Respondent

Name sagauthier sagauthier

#### 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 international combined trademark "BOSTIK" (No. 1190940), filed on July 22, 2013;

The international word trademark "BOSTIK" (No. 1592858), filed on March 1, 2021;

The international combined trademark "BOSTIK" (No. 851632), filed on February 3, 2005.

#### FACTUAL BACKGROUND

The Complainant, BOSTIK SA, is a French company, part of the ARKEMA group, active in the field of scientific materials. BOSTIK holds several international trademarks, including "BOSTIK", registered in various classes. The domain <b0stik.com> was registered on August 21, 2024. The disputed domain has also been configured with mail exchange (MX) servers. The Complainant states that it did not authorize the registration or use of this domain. The Respondent has not replied to the complaint.

#### PARTIES CONTENTIONS

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

No administratively compliant Response has been filed.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

##### **Condition #1**

The Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark in which it holds rights. This first condition sets a relatively low threshold, requiring a demonstration of similarity without an exhaustive analysis of potential confusion (side by side comparison).

The Complainant owns several registered trademarks for "BOSTIK," protected internationally since at least 2005. The disputed domain name, <b0stik.com>, closely resembles the trademark, differing only by substituting the letter "O" with the visually AND phonetically similar number "0." This substitution creates a nearly identical impression, as the shape and sound of "O" and "0" are barely distinguishable.

Panels have consistently held that minor alterations, such as typographical changes or character substitutions, do not prevent a finding of confusing similarity (e.g., CONSUEL vs c0nsuel.com, WIPO Case No. D2024-1200).

Accordingly, the Panel concludes that the Complainant has satisfied this first condition.

##### **Condition #2**

The Complainant has argued, with credible evidence and supporting documents, that the Respondent is not affiliated with the Complainant, has not been authorized to use the "BOSTIK" trademark, and is not commonly known by the name "b0stik."

The Complainant further asserts that the disputed domain name resolves to a pay-per-click page and has been used for a messaging server, which does not constitute (prima facie) bona fide commercial use or legitimate noncommercial use. The substitution of the letter "O" with the number "0" is indicative of typosquatting, aimed at exploiting the Complainant's trademark.

The Respondent has chosen not to respond to the Complaint or rebut these claims.

In the absence of any contrary evidence, the Panel accepts the Complainant's credible arguments and finds that the Respondent has no rights or legitimate interests in the disputed domain name.

##### **Condition #3**

The Complainant provides credible evidence that the Respondent knowingly registered a domain name almost identical to the

Complainant's trademark, substituting the letter "O" with the number "0." Such typosquatting is a well-recognized form of bad faith, as it seeks to exploit user confusion for malicious purposes.

Importantly, the Respondent has configured an MX record for the disputed domain name, which suggests potential use for e-mail communications. Coupled with the domain's striking similarity to the Complainant's trademark, this strongly supports the inference that the Respondent intends to engage in phishing or other fraudulent activities. Numerous UDRP decisions have found that the mere setup of messaging servers, in conjunction with evidence of typosquatting, constitutes bad faith.

The disputed domain name also resolves to a pay-per-click website, which demonstrates a commercial intent to profit from the reputation of the Complainant's trademark. Additionally, the use of a privacy protection service adds to the likelihood of bad faith, as it obscures the identity of the registrant.

The Respondent has offered no explanation or evidence to refute these claims, nor any plausible justification for its registration and use of the disputed domain name. Given these facts, the Panel finds it more likely than not that the Respondent registered and is using the disputed domain name in bad faith, with the intent to exploit the Complainant's reputation for financial or malicious gain.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

**1. b0stik.com: Transferred**

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## PANELLISTS

Name	<b>Mr. Etienne Wéry</b>
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DATE OF PANEL DECISION **2025-01-20**

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**Publish the Decision**

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