

Decision for dispute CAC-UDRP-107195

Case number	CAC-UDRP-107195
Time of filing	2024-12-19 10:02:33
Domain names	boursobk-conseil.com, boursobk-immo.com, boursobk-info-immo.com, boursobk-info.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BOURSORAMA
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	sonia dufourg
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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 owns the international trademark "BOURSOBANK" No. 1757984, registered on August 28, 2023, and the French trademark "BOURSO" No. 3009973, registered on February 22, 2000.

The Complainant owns multiple domain names that include the wording "BOURSOBANK" or "BOURSO", such as the domain name <boursobank.com>, registered on November 23, 2005 and the domain name <boursobank.com>, registered on January 11, 2000.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant offers a range of financial products online and is a pioneer and market leader in its two key business areas: online banking (Boursobank) and online brokerage combined with financial and economic information (Boursorama.com). The Complainant launched the first French platform in its field that received over 41.5 million visits per month. The Complainant currently has over six million online banking customers in France.

The disputed domain names were registered by the Respondent on December 16, 2024, and have been configured with MX servers. The disputed domain names resolve to parking pages containing commercial links.

PARTIES CONTENTIONS

The Complainant states that the disputed domain names are confusingly similar to its trademark "BOURSOBANK" and its associated domain names.

The Complainant asserts that neither the removal of the letters "AN" nor the addition of the generic terms "IMMO" (short for "IMMOBILIER," meaning "REAL ESTATE" in French), "CONSEIL" (meaning "COUNSELING" in French), and/or "INFO," nor the inclusion of the gTLD ".COM," is sufficient to prevent the conclusion that the disputed domain names are confusingly similar to the BOURSOBANK trademark. On the contrary, these modifications increase the likelihood of confusion, as the added terms are directly related to the Complainant's business activities.

The Complainant also states that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant asserts that the Respondent is not known to the Complainant and is not commonly associated with the disputed domain names. The Respondent is neither affiliated with nor authorized by the Complainant in any capacity and does not carry out any activity for, nor has any business with the Respondent. The Respondent has not been granted any license or authorization to use the Complainant's trademarks or to apply for the registration of the disputed domain names.

The Complainant states that the disputed domain names were registered and are being used in bad faith.

The Complainant asserts the disputed domain names were registered in bad faith. The Complainant states that its trademarks "BOURSOBANK" and "BOURSO", both in use since 1995, are distinctive and hold significant reputations in France and internationally, particularly in the field of online financial services. The Complainant further argues that the addition of the generic terms "INFO," "CONSEIL," and/or "IMMOBILIER" to the term "BOURSOBANK" indicates that the Respondent had the Complainant's trademarks in mind when registering the disputed domain names, as the added terms are directly related to the Complainant's activities and are in French, the language of the Complainant's main business area.

The Complainant also asserts that the Respondent is using the disputed domain names in bad faith since they resolve to parking pages with commercial links and are set up with MX records. The Complainant contends that the Respondent is attempting to attract internet users for commercial gain by redirecting them to his own website.

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

No administratively compliant Response has been filed.

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 Respondent 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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14 (b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent. Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain names.

1. Identical or Confusingly Similar disputed domain names

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 Uniform Domain Name Dispute Resolution Policy (the "Policy").

Neither the removal of the letters "AN" nor the addition of the generic terms "INFO", "CONSEIL", "IMMOBILIER" or the gTLD ".COM" is sufficient to overcome the finding that the disputed domain names are confusingly similar to the Complainant's trademark. Given that "bk" is a common abbreviation for "bank" and that the added terms are in French (the language of the Complainant's main business area) and generic or directly related to the Complainant's activities, internet users may be misled into believing that the disputed domain names are connected to the Complainant. Therefore, the changes made do not alter the overall impression that the disputed domain names are closely associated with the Complainant's trademark.

2. Respondent's Rights or Legitimate Interests in the disputed domain names

The Complainant has, to the satisfaction of the Panel, demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain names, within the meaning of paragraph 4(a)(ii) of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain names, as the Respondent is neither a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in the disputed domain names. Furthermore, the disputed domain names do not correspond to the Respondent's name, nor is the Respondent commonly known as "BOURSOBK" either before or after the registration of the disputed domain names.

Furthermore, the disputed domain names resolve to parking pages with commercial links, which do not constitute a bona fide offering of goods or services or represent any other form of legitimate non-commercial or fair use.

Thus, there is no evidence that the disputed domain names are being used for any bona fide reasons.

3. The disputed domain names have been registered and are being used in Bad Faith

The Respondent has also registered and is using the disputed domain names in bad faith within the meaning of Paragraph 4 (a) (iii) of the Policy by intentionally attempting to attract internet users to their website by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

The Respondent has registered the disputed domain names in bad faith. The Complainant's trademarks "BOURSOBANK" and "BOURSO" are highly distinctive, well-established, and were already well known at the time the Respondent registered the disputed domain names. The mere registration of the disputed domain names that are confusingly similar to well-known trademarks by unaffiliated entities can create a presumption of bad faith. Given the addition of French terms referring to the Complainant's services, it can be concluded that the disputed domain names were registered with full knowledge of the Complainant's trademarks, and therefore in bad faith.

The Respondent is also using the disputed domain names in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. The disputed domain names resolve to parking pages with commercial links, including notices such as "Comment Investir Votre Argent" (meaning "How to Invest Your Money" in French) and "Investir en Bourse en Ligne" (meaning "Investing in the Stock Market Online" in French). This suggests that the website content targets the Complainant's trademark, likely through links to the Respondent's own website or to websites of the Complainant's competitors. This constitutes use in bad faith. Therefore, the Respondent has intentionally attempted to attract internet users to their website by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

Furthermore, the disputed domain names have been configured with MX Resource Records, indicating that they may be actively used for email purposes, which presents a substantial risk of phishing.

The Respondent has not provided any evidence of actual or contemplated good faith registration or use of the disputed domain names that could refute this prima facie assessment.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **boursobk-conseil.com**: Transferred
- 2. **boursobk-immo.com**: Transferred
- 3. **boursobk-info-immo.com**: Transferred
- 4. **boursobk-info.com**: Transferred

PANELLISTS

Name Dominik Eickemeier

DATE OF PANEL DECISION 2025-01-21

Publish the Decision