Decision for dispute CAC-UDRP-107200

Case number	CAC-UDRP-107200
Time of filing	2024-12-20 10:29:17
Domain names	boursobankpay.com

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	jamila Lemsafer

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, inter alia, proprietor of the valid International Registration BOURSOBANK 1757984 registered on August 28, 2023 in several classes.

FACTUAL BACKGROUND

The Complainant, a French company, is active in online banking, financial information and online brokerage, with more than 6 million customers.

The disputed domain name was registered on December 17, 2024 and resolved to a website offering the domain name for sale. Also, MX servers are configured.

PARTIES CONTENTIONS

The Complainant contends that the domain name is confusingly similar and that Respondent has no rights or legitimate interests in

the disputed domain name since he is not known by this name nor Complainant authorised him to use this domain name. In view of the reputation of the Complainant, Respondent must have known him. The offering of the disputed domain name for sale must be considered as use in bad faith.

No administratively compliant Response has been filed, since Respondent did not file a response in time. However, his lawyer sent after expiration of his deadline to respond an email in French, which is not the language of the proceedings, that Respondent has proceeded to delete the disputed domain name and that the Respondent had checked the domain name before creating it, but had no idea that he could not use it.

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), even if this must not be decided here, since the Respondent indicated that he is going to release the disputed domain name.

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 as follows:

PRINCIPAL REASONS FOR THE DECISION

The disputed domain name is confusingly similar to the trademark BOURSOBANK of the Complainant since the descriptive word „pay“ is not distinctive and can accordingly not be considered as relevant to influence the overall impression of the domain name or avoid a highly confusing similarity.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant is sufficient to constitute a prima facie showing the absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that name. The Respondent has made no attempt to do so. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

In view of the non-disputed assessment that the Complainant is a significant player in online banking and financial information and in view of the significant number of customers and in view of the fact that Complainant´s trademark has no meaning, the Respondent must have been well aware of the Complainant and its trademark when registering the disputed domain name differing only in the additional word „Pay“ compared to Complainant´s trademark. The Complainant had not authorized the Respondent to make use of its mark. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case would indicate that the Respondent have registered or 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 your documented out-of-pocket costs directly related to the domain name. However, in view of the late communication of the Respondent, this must not be decided at the end since the communication of the Respondent must be interpreted as willingness to release the domain name being then transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursobankpay.com**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-01-27

Publish the Decision