Decision for dispute CAC-UDRP-107453

Case number	CAC-UDRP-107453
Time of filing	2025-04-01 10:20:10
Domain names	securite-boursobanlk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Rene Begue

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 has evidenced to be the owner of the following trademark registrations:

- word/design trademark BOURSOBANK, World Intellectual Property Organization (WIPO), registration No.: 1757984, registration date: August 28, 2023, status: active;

- word trademark BOURSO, Intellectual Property Office France (INPI), registration No.: 3009973, registration date: July 28, 2000, status: active.

Also, the Complainant has substantiated to own since 2005 the domain name <boursobank.com> which resolves to the Complainant's main website at "www.boursobank.com", used to promote the Complainant's online banking services and related financial products internationally.

The disputed domain name was registered on March 29, 2025.

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.

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

First, notwithstanding the fact that, as evidenced by the Domain Registrar's Verification, French is the language of the registration agreement of the disputed domain name, under Paragraph 11 of the Rules, the Panel is free to deviate from the language of the registration agreement depending on the particular circumstances of each case. Here, the Panel recognizes that the Respondent was notified by the CAC Arbitration Center in both English and French language about the commencement of proceedings, but did not react upon such communication, neither by filing a Response nor in any other way. Also, the disputed domain name apparently did not in the past, and still does not, connect to any relevant content on the Internet. Finally, the disputed domain name is not registered e.g. under a country-code top level domain, but rather under the most common generic Top-level domain (TLD) .com which has no specific country relation, but rather is most often used in an international context. Against this background, the Panel is willing to accept to lead this proceeding according to the Complainant’s request in the world language English, given that the Respondent obviously has no disadvantages arising from doing so and, thus, is still treated equally and fair within the scope of Paragraph 10 of the Rules.

Second, the Panel finds that the disputed domain name <securite-boursobanlk.com> is confusingly similar to the Complainant’s BOURSOBANK trademark, as it incorporates the latter entirely, simply in a typo-squatted version by adding a letter “l” and further adding the descriptive term “securite” (almost identical to the French term “securité” for “security”). Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark. Moreover, it has been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that a domain name which consists of a common, obvious or intentional misspelling of the complainant’s trademark (i.e. a typo-squatting) is still considered to be confusingly similar to the relevant trademark for purposes of the first element under the UDRP. Accordingly, the fact that the disputed domain name obviously includes an intentional misspelling/typo-squatting of the Complainant’s BOURSOBANK trademark is not at all inconsistent with the finding of confusing similarity, especially given the fact that the Complainant’s BOURSOBANK trademark is still easily recognizable within the disputed domain name. Finally, it has been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the term “securite” (almost identical to the French term “securité” for “security”), is not capable to dispel the confusing similarity arising from such incorporation of the Complainant’s BOURSOBANK trademark in the disputed domain name

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Third, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent commonly known under the disputed domain name, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain. The Respondent has not been licensed or otherwise authorized to use the Complainant's BOURSOBANK trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent's name somehow corresponds with the disputed domain name and the Respondent does not appear to have any trademark rights associated with the terms "securite" and/or "boursobank" on its own. Moreover, the Complainant has demonstrated that the disputed domain name does not connect to any relevant content on the Internet but is passively held instead. Many UDRP panels, however, have recognized that the mere registration of a domain name, even one that is comprised of a confirmed dictionary word or phrase, may not of itself confer rights or legitimate interests in a disputed domain name. Finally, the Complainant has also evidenced that MX servers have been activated under the disputed domain name (which, in turn, includes a typo-squatting of the Complainant's BOURSOBANK trademark), possibly for the purpose of sending unauthorized/illegal emails thereunder. Such making use of the disputed domain name, obviously in a fraudulent manner, again neither qualifies as a bona fide nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests therein.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that, therefore, the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Fourth, the Panel holds that the disputed domain name was registered and is being used by the Respondent in bad faith. There is a consensus view among UDRP panels that a passive holding of a disputed domain name may, in appropriate circumstances, be consistent with the finding of bad faith, in particular in circumstances in which, for example, a complainant's trademark is well-known, and there is no conceivable use that could be made of the disputed domain name and would not amount to an infringement of the complainant's trademark's rights. In the case at hand, in the absence of any other reasonable explanation as to why the Respondent should rely on the disputed domain name which includes the Complainant's undisputedly reputed BOURSOBANK trademark in a typo-squatted version, and given that the Respondent has brought forward nothing in substance relating to the intended use of the disputed domain name, the Panel finds that the Respondent has registered and is making use of the disputed domain name in a manner which at least takes unjustified and unfair advantage of the Complainant's BOURSOBANK trademark's reputation and must, therefore, be considered as registered and being used in bad faith within the meaning of the Policy. Such a finding also takes into consideration that the disputed domain name obviously includes an intentional typo-squatted version of the Complainant's BOURSOBANK trademark and was registered after the Complainant had acquired a reputation in such trademark which is why the disputed domain name as such is inconceivable of being of a good faith nature. Finally, activating MX servers under the disputed domain name (which, in turn, includes a typo-squatting of the Complainant's BOURSOBANK trademark) at least allows the assumption that the Respondent intends to make use at some point of the disputed domain name in connection with unauthorized email services which, in turn, are inconceivable of being of a good faith nature, either.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **securite-boursobanlk.com**: Transferred

PANELLISTS

Name	**Stephanie Hartung**

DATE OF PANEL DECISION 2025-05-05

Publish the Decision