Decision for dispute CAC-UDRP-107481

Case number	CAC-UDRP-107481
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Domain names	blacklistbollore.com, blacklistbollore.org

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOLLORE SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Blacklist Bollore

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or concluded legal proceedings pertaining to the domain names <blacklistbollore.com> and <blacklistbollore.org> ('the Domain Names').

IDENTIFICATION OF RIGHTS

Bolloré SE ('the Complainant') asserts its rights to the following registered trade mark:

- International trade mark registration no. 704697, registered on 11 December 1998, for the figurative mark Bolloré, in classes 16, 17, 34, 35, 36, 38, and 39 of the Nice Classification.

(Hereinafter, 'the Complainant's trade mark' or 'the trade mark Bolloré').

Furthermore, the Complainant holds multiple domain names featuring the term 'bollore', including <bollore.com>, registered in 1997.

The Domain Names <blacklistbollore.com> and <blacklistbollore.org> were registered on 7 April 2025 and currently resolve to parking pages provided by GoDaddy.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is a French conglomerate founded in 1822 and ranks among the world's 500 largest companies, prominently listed on the Paris Stock Exchange. It provides transportation and logistics, communications, and electricity storage solutions. With a workforce exceeding 76,000 employees worldwide, the Complainant achieved a revenue of EUR 3bn in 2024.

B. Respondent's Factual Allegations

The Respondent has failed to submit a Response in this UDRP administrative proceeding, leaving the Complainant's allegations unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's submissions may be summarised as follows:

A.1 The Domain Names are confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the Domain Names are confusingly similar to the trade mark Bolloré, and the addition of the negative or pejorative term 'blacklist' is insufficient to negate the likelihood of confusion, as outlined in section 1.13 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ('the WIPO Jurisprudential Overview 3.0'). The Complainant contends that the inclusion of the Top-Level Domains ('the TLDs') <.com> and <.org> fails to alter the overall impression of similarity.

A.2 The Respondent has no rights or legitimate interests in respect of the Domain Names

The Complainant argues a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent is not recognised by the Domain Names and has no affiliation with or authority from the Complainant. Furthermore, the Domain Names resolve to parking pages, indicating a lack of demonstrable intent to use them.

A.3 The Respondent registered and is using the Domain Names in bad faith

The Complainant asserts that the Respondent registered the Domain Names with knowledge of the Complainant's rights, evidencing bad faith.

The Domain Name <blacklistbollore.com> resolves to a page featuring Pay-Per-Click (PPC) links, which disrupts the Complainant's business by taking unfair advantage of confusion between the Domain Name and the trade mark Bolloré, contrary to paragraph 4(b)(iv) of the UDRP Policy. Additionally, the Domain Name <blacklistbollore.org> also resolves to a parking page provided by GoDaddy, similarly contravening paragraph 4(b)(iv) of the UDRP Policy.

A.4 Relief sought

The Complainant requests the transfer of the Domain Names to itself.

B. Respondent's Submissions

The Respondent has defaulted in this UDRP administrative proceeding, failing to advance any substantive defence.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the Domain Names are identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 Domain Names (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP have been met, with no grounds to delay the decision.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel shall determine the case based on the statements and documents submitted, alongside the UDRP Policy, UDRP Rules, and any pertinent rules and principles of law.

Under paragraph 4(a) of the UDRP Policy, the burden rests upon the Complainant to establish three essential elements for a successful claim:

i. The Domain Names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

ii. The Respondent has no rights or legitimate interests in respect of the Domain Names; and

iii. The Domain Names have been registered and are being used in bad faith.

These three elements shall be collectively referred to as 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement in sequence.

B. Identical or Confusingly Similar

The Panel finds that the Complainant possesses UDRP-relevant rights in the registered trade mark Bolloré as of 1998.

The Domain Names <blacklistbollore.com> and <blacklistbollore.org> wholly incorporate the Complainant's trade mark Bolloré. The presence of the term 'blacklist' fails to diminish the likelihood of confusion, as 'bollore' is the most distinctive identifier within the strings of the Domain Names. Accordingly, the Panel concludes that the Domain Names are confusingly similar to the Complainant’s trade mark, thereby satisfying the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence presented indicates that the Respondent is not commonly known by the Domain Names. Furthermore, the Panel notes the Respondent's absence of any affiliation with, or authorisation from, the Complainant concerning the trade mark Bolloré. While the term 'blacklist' may initially suggest a legitimate intention to create a criticism website, no legitimate non-commercial or fair use has been demonstrated. The Complainant has therefore fulfilled the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel has no hesitation in finding that the Respondent registered and has used the Domain Names with full knowledge of, and intention to target, the Complainant. The factual matrix of the case supports a presumption of bad faith registration and use: (i) the global reputation of the Complainant and the Complainant's trade mark; (ii) the evident similarity between the Domain Names and the Complainant's trade mark, as well as the Respondent's attempt to create such unwarranted link; (iii) the Respondent's default in this UDRP administrative proceeding and failure to refute the Complainant's prima facie case; (iv) the Respondent's attempt to gain reputational advantage by redirecting Internet users for a likely improper purpose; and (v) the absence of any conceivable good faith use of the Domain Names.

In view of the above, the Panel finds that the Complainant has satisfied the third and final requirement of the UDRP Policy.

E. Decision

For the above reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the Domain Names <blacklistbollore.com> and <blacklistbollore.org> be 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. **blacklistbollore.com**: Transferred
2. **blacklistbollore.org**: Transferred

PANELLISTS

Name	Gustavo Moser

DATE OF PANEL DECISION 2025-05-06

Publish the Decision