# Decision for dispute CAC-UDRP-107502

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| Case number | CAC-UDRP-107502 |
| Time of filing | 2025-04-22 09:49:23 |
| Domain names | bourso.vip |

## Case administrator

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

## Complainant

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| Organization | BOURSORAMA |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| Name | h |

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 owner of French national trademark BOURSO with registration number 3009973 of February 22, 2000 for goods and services in classes 9, 35, 36, 38, 41 and 42.

FACTUAL BACKGROUND

Facts asserted by the Complainant and not contested by the Respondent:

The Complainant is an online bank with over 6 million customers in France, and its online banking platform has over 41,5 million visits each month. In addition to its above mentioned BOURSO trademark, the Complainant owns a number of domain names, including the domain name <bourso.com> which was registered since January 11, 2000.

The disputed domain name was registered on April 16, 2025 and resolves to a webpage which offers the disputed domain name for sale for an amount of €307.12.

The Complainant asserts that the disputed domain name is identical to its BOURSO trademark.

The Complainant further asserts that the Respondent  has no rights or legitimate interests in respect of the disputed domain name because the Respondent is not identified in the Whois database as the disputed domain name, the Respondent is not affiliated with nor authorized by the Complainant in any way, the Complainant has not licensed nor authorized the Respondent to make any use of the Complainant's BOURSO trademark, or apply for registration of the disputed domain name, and the Respondent offers the disputed domain name for sale.

Further, the Complaint asserts that it and its BOURSO trademark have a significant reputation in France and abroad in connection with online financial services, and a previous panel decision has found the Complainant's BOURSO trademark "well known in France" ("notoirement connues en France"; Boursorama S.A. contre Contact Privacy Inc. Customer 1249617786 / Marcou, WIPO Case No. D2021-0671). On those facts, given the distinctiveness of the Complainant's trademarks and reputation, the Complainant contends that it is reasonable to infer that the Respondent had registered the disputed domain name with full knowledge of the Complainant's trademarks. Moreover, according to the Complainant the Respondent fails to make an active use of the disputed domain name, which is evidence of bad faith registration and use of the disputed domain name. Furthermore, the Complainant contends that the Respondent has registered the disputed domain name only in order to sell it back for out-of-pockets costs, which also evidences bad faith registration and use.

## PARTIES CONTENTIONS

The Complainant´s contentions are summarised above.

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 Panel does not need to address this requirement in view of its finding that the Complainant did not prove the third element of paragraph 4(a) of the Policy.

## BAD FAITH

The Complainant failed to show that 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

1. It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's BOURSO trademark and the disputed domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7). The top level domain ".vip" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (WIPO Overview 3.0, section 1.11). Based on the available record, the Panel finds the first element of the Policy has been established as the disputed domain name is identical to the Complainant's trademark. The Panel finds the first element of the Policy has been established.

2. Paragraph 4(a) of the Policy lists the three elements, each of which the Complainant must prove to be present in the pending matter. As the Panel finds that the Complainant failed to prove that the disputed domain name has been registered and is being used in bad faith, it did not succeed in proving the third element of paragraph 4(a) of the Policy. Consequently, the Panel does not need to discuss the second element.
3. The Complainant alleges that it has been using the BOURSO trademark since 1995, and that the BOURSO trademark has "a significant reputation in France and abroad in connection with online financial services". The Complainant did, however, not support these allegations with evidence beyond submission of a French trademark from 2000 and reference to WIPO Case No. D2021-0671, which is a French case where the panel found that the BOURSO trademark is well-known in France. Although the Panel has serious doubts about the Respondent's intentions, it cannot conclude beyond reasonable doubt, based on the file, that the Respondent, who appears to be Chinese, was aware of the Complainant's BOURSO trademark at the time of registration of the disputed domain name. For the same reason, the Panel cannot establish that the Respondent is using the disputed domain name in bad faith because it is offering the domain name for sale. Although the Complainant has demonstrated that the offer for sale is €307.12 and has undisputedly stated that this asking price exceeds the out-of-pocket expenses for the acquisition of the disputed domain name, the amount of the offer for sale is not an indication that the Respondent was or is familiar with the BOURSO trademark and, consequently, targeted the Complainant and its BOURSO trademark with the use of the disputed domain name. The Panel therefore finds that the third element has not been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **bourso.vip**: Remaining with the Respondent

## PANELLISTS

| Name | **Alfred Meijboom** |
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DATE OF PANEL DECISION 2025-05-21

Publish the Decision