Decision for dispute CAC-UDRP-107524

Case number	CAC-UDRP-107524
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Domain names	bourseramabanque.com

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Angel CHAUVAIN

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 established that it is the owner of the French trademark for the Word and device mark BOURSORAMA BANQUE registered number 3676762, registered on September 16, 2009 (“the BOURSORAMA BANQUE trademark”).

FACTUAL BACKGROUND

The Complainant is a prominent French company engaged in the provision of financial products including banking services and related goods and services and it has been so engaged since 1995. As well as its aforesaid trademark, the Complainant owns the <boursoramabanque.com> domain name which it uses in its business to offer its financial services. It has come to the Complainant's notice that the Respondent has registered the domain name <bourseramabanque.com>, making only a small spelling alteration to the word "BOURSORAMA" to construct the Disputed Domain Name and has then caused the domain name to resolve to a parking page, but otherwise the Respondent has not used the Disputed Domain Name for any purpose. The Complainant maintains that this is inimical to itself and its business as, for among other reasons, it gives rise to the potential for the Disputed Domain Name to be used in the future for illegitimate purposes. Accordingly, the Complainant has instituted this proceeding to have the Disputed Domain Name transferred to itself.

PARTIES CONTENTIONS

A) COMPLAINANT

The Complainant is a well-known French company engaged in the provision of financial products including banking services and related goods and services and it has been so engaged since 1995.

The Complainant is the owner of the aforesaid French trademark for BOURSORAMA BANQUE, registered number 3676762, registered on September 16, 2009 and it provides its goods and services under that trademark.

The Complainant has registered numerous domain names including the <boursoramabanque.com> domain name which it registered on May 26, 2005 and which it uses to promote and offer its goods and services on the internet.

The Respondent registered the <bourseramabanque.com> on April 24, 2025 (“the Disputed Domain Name”).

The Respondent has caused the Disputed Domain Name to resolve to a parking page, but has otherwise not used it for any purpose.

The Disputed Domain Name is confusingly similar to the trademark as it embodies the entire BOURSORAMA BANQUE trademark, with the exception that the second letter "o" in the trademark has been deleted and replaced with the letter "e" and the addition of the generic Top Level Domain ”.com”, which would inculcate in the minds of internet users the notion that the Disputed Domain Name is related to the trademark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name as:

(a) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy;

(b) the Respondent is not affiliated with or related in any way to the Complainant, has not been authorized by it to register or use the Disputed Domain Name and does not carry on any activity or have any business with the Complainant;

(c) the Disputed Domain Name is a typosquatted version of the BOURSORAMA BANQUE trademark;

(d) the Disputed Domain Name resolves to a parking page but has not been otherwise used and no demonstrable plan to use it has been revealed by the evidence; and

(e) there is no other ground on which it could be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

The Respondent has registered and used the Disputed Domain Name in bad faith as:

(a) the Respondent has registered the Disputed Domain Name which is confusingly similar to the BOURSORAMA BANQUE trademark;

(b) the Respondent has engaged in typosquatting, showing that the Respondent intended that the Disputed Domain Name would be confusingly similar to the Complainant's BOURSORAMA BANQUE trademark;

(c) the Respondent had actual knowledge of the Complainant and its trademark at the time it registered the Disputed Domain Name;

(d) the Respondent has caused the Disputed Domain Name to resolve to a parking page, showing that the Respondent had no legitimate use in mind for the Disputed Domain Name and in any event, it is impossible to conceive of any such legitimate use of the domain name;

(e) the Respondent has caused the Disputed Domain Name to be set up with MX records, suggesting that the Respondent will use it for email purposes which will in all probability militate against the interests of the Complainant and internet users generally; and

(f) all of the acts, facts, matters and circumstances to be revealed by the evidence will show that the Respondent has registered and used the Disputed Domain Name in bad faith.

Accordingly, the Complainant contends that it will be able to establish all of the elements it must prove under the Policy and that it is entitled to the relief it seeks, namely the transfer of the Disputed Domain Name to itself.

B) RESPONDENT

The Respondent did not file a Response in this proceeding.

RIGHTS

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

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

1. Administrative deficiency

By notification dated March 25, 2025 and in accordance with paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that the Complaint had not sufficiently identified the Respondent. The CAC invited the Complainant in that regard to review the Registrar's verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

On April 28, 2025, the Complainant filed an Amended Complaint and the CAC determined that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

1. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In that regard, the Panel also notes that the onus is on the Complainant to make out its case and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) The respondent has no rights or legitimate interests in respect of the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

1. Identical or Confusingly Similar

The Complainant has adduced evidence that the Panel accepts that it is the registered owner of the following registered trademark, namely the French trademark for the Word and device mark BOURSORAMA BANQUE registered number 3676762, registered on September 16, 2009 (“the BOURSORAMA BANQUE trademark”).

The Complainant has thus established its trademark rights and that it has standing to institute this proceeding.

The Panel next finds that the Respondent registered the <bourseramabanque.com> domain name on April 24, 2025 (“the Disputed Domain Name”).

The Panel finds that the Disputed Domain Name is confusingly similar to the BOURSORAMA BANQUE trademark for the following reasons.

The Disputed Domain Name includes substantially the entirety of the trademark. The only differences between the Disputed Domain Name and the trademark are that the second letter "o" in the trademark has been deleted and replaced with the letter "e" and the addition of the generic Top Level Domain ”.com”. The Disputed Domain Name would thus inculcate in the minds of internet users the notion that the Disputed Domain Name was related to the trademark.

It is well established that when, as in the present case, a domain name includes the entirety of a trademark, it is more likely than not that the domain name in question is confusingly similar to the relevant trademark. That is clearly so in the present case as the Disputed Domain Name is virtually the same as the trademark. The words that go to make up the trademark are clearly in the Disputed Domain Name with the minor exception referred to above. The attention of the internet user would naturally be drawn to the domain name on the assumption that the trademark was in fact the name of the Complainant and this would inculcate in the mind of the user the notion that the Disputed Domain Name was an official domain name of the Complainant or one that had been authorized by it.

The Respondent has also removed the gap appearing in the trademark between "BOURSORAMA" and "BANQUE", but such changes, like the addition of hyphens and such-like, are too minor to have any significance.

The Disputed Domain Name also includes the generic Top Level Domain ”.com”. This is regularly ignored in making the comparison between a domain name and the relevant trademark, as all domain name must have such an extension and its presence therefore cannot tell us one way or the other whether the Disputed Domain Name is confusingly similar to the trademark or not.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s BOURSORAMA BANQUE trademark.

The Complainant has thus shown the first of the three elements that it must establish.

2. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail.

It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that if and when such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name on all of the grounds on which it has relied, namely:

(a) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy; there is no evidence that the Respondent is known by the Disputed Domain Name, either commonly or otherwise, and there is no evidence that the Respondent is known by any name other than its own; indeed, the WHOIS material in the evidence shows that the

Respondent is in fact known by its own name and not by the Disputed Domain Name;

(b) the Respondent is not affiliated with or related in any way to the Complainant, has not been authorized by it to register or use the Disputed Domain Name and does not carry on any activity or have any business with the Complainant; there is no evidence that the Respondent has any such relationship with the Complainant; thus it could not be said that the Disputed Domain Name was registered with any sort of consent or agreement by the Complainant;

(c) the Disputed Domain Name is a typosquatted version of the BOURSORAMA BANQUE trademark, it is clear from the evidence that the Respondent has descended to the most brazen and transparent copying of a trademark, namely merely altering one letter; this makes it obvious that the Respondent is resorting to a deliberate subterfuge which could not conceivably give it any rights or legitimate interests in the Disputed Domain Name.

(d) the Disputed Domain Name resolves to a parking page but has not been otherwise used and no demonstrable plan to use it has been revealed by the evidence; the evidence shows that the Respondent has not put the Disputed Domain Name to any or any legitimate use; causing a domain name to resolve to a mere landing page cannot generate rights or legitimate interests; its only significance is that it raises the issue of what nefarious purpose the Respondent might contrive to find for the domain name to perpetrate if it, the Respondent, remains as the domain name holder;

(e) there is no other ground on which it could be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name; the evidence does not show any such ground; for example it could not seriously be contended that the Respondent had used the Disputed Domain Name for a bona fide offering of goods or services, when it has not been used at all; nor could it be argued that the Respondent has used the Disputed Domain Name for a legitimate, noncommercial or fair use when the evidence shows that it has not.

The aforesaid facts give rise to the prima facie case made out by the Complainant.

The Respondent has not filed a Response or made any other answer to the claims of the Complainant and is in default. Accordingly, the prima facie case has not been rebutted and the Complainant has made out the second of the three elements that it must establish.

3.Registered and Used in Bad Faith

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or 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 the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith both in general and in particular because the Respondent's conduct puts the case squarely within several provisions of the Policy and generally. Thus, the Complainant has made out all of the grounds on which it has relied, namely:

(a) the Respondent has registered the Disputed Domain Name which is confusingly similar to the BOURSORAMA BANQUE trademark; this itself is an act of bad faith as it shows that the Respondent wanted to mislead the public by giving rise to the false notion that the Disputed Domain name reflected the trademark of the Complainant or that the domain name was being used with the Complainant's consent, neither of which was true;

(b) the Respondent has engaged in typosquatting, showing that the Respondent intended that the Disputed Domain Name would be confusingly similar to the Complainant's BOURSORAMA BANQUE trademark; the act of typosquatting is deceptive and in bad faith, as its purpose is to mislead internet users which is dishonest; this ground has therefore been made out;

(c) the Respondent had actual knowledge of the Complainant and its BOURSORAMA BANQUE trademark at the time it registered the Disputed Domain Name; the Respondent clearly targeted the Complainant, the Respondent knew what it was doing and clearly aimed its subterfuge directly at the Complainant; all of this conduct amounts to bad faith;

(d) the Respondent has caused the Disputed Domain Name to resolve to a parking page, showing that the Respondent had no

legitimate use in mind for the Disputed Domain Name and in any event, it is impossible to conceive of any such legitimate use of the Disputed Domain Name; this is self-evident from the evidence;

(e) the Respondent has caused the Disputed Domain Name to be set up with MX records, suggesting that the Respondent will use it for e-mail purposes which will in all probability militate against the interests of the Complainant and internet users generally; this is supported by the evidence and by common sense, as the Respondent must have had some intention and its intention in all probability was to carry out some subterfuge or deception by means of e-mail;

(f) all of the acts, facts, matters and circumstances to be revealed by the evidence will show that the Respondent has registered and used the Disputed Domain Name in bad faith; the evidence as a whole shows a dishonest intent by the Respondent which is tantamount to bad faith registration and use.

Finally, in addition and having regard to the totality of the evidence, the Panel finds that, in view of the Respondent's registration of the Disputed Domain Name and its use as shown by the evidence, it registered and used the Disputed Domain Name in bad faith within the generally accepted meaning of that expression.

Accordingly, the Complainant has shown the third of the three elements that it must establish.

The Complainant has therefore proved all of the required constituent elements under the Policy and is entitled to the relief it seeks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bourseramabanque.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2025-05-21

Publish the Decision