Decision for dispute CAC-UDRP-107667

Case number	CAC-UDRP-107667
Time of filing	2025-06-18 09:10:58
Domain names	boursobank.cc

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	lapuenta covanasa

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 provided evidence of ownership of the following trademark:

- French trademark BOURSO No. 3009973 registered on 22 February 2000, duly renewed, and covering goods and services in international classes 09, 35, 36, 38, 41 and 42;
- International trademark BOURSOBANK No. 1757984 registered on 28 August 2023, and covering goods and services in international classes 09, 16, 35, 36, 38, and 41.

FACTUAL BACKGROUND

The Complainant, Boursorama, is a French banking and financial services company. The Complainant is the owner of trademark rights on the terms BOURSO and BOUSOBANK.

The Complainant also owns a number of domain names, including <boursorama.com> or <boursobank.com>.

The disputed domain name was registered on 16 June 2025 and resolves to a login page copying the Complainant’s official customer access.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant asserts that the disputed domain name <boursobank.cc> is confusingly similar to its trademark BOURSO and identical to its trademark BOUSOBANK. and its domain names. Moreover, the Complainant contends that the addition of the suffix ".CC" does not change the overall impression of the designation as being connected to the trademarks BOURSO and BOUSOBANK.

Per the Complaint, the Respondent is not known by the Complainant. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way and that Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Furthermore, the disputed domain name resolves to a login mage mimicking the Complainant's official login page, potentially to collect personal information from the Complainant's customers.

As regards the bad faith of the Respondent, the disputed domain name includes the well-known and distinctive trademark BOURSO. It is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

The Complainant states that the disputed domain name is not used in connection with a login page mimicking that of the Complainant's. The Complainant submits that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his websites (par. 4(b)(iv) of the Policy). Besides, the Respondent can collect personal information through this website, namely passwords.

RESPONDENT:

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

Notwithstanding the fact that no Response has been filed, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

1. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name was registered and is being used in bad faith.

A/ Identical or Confusingly Similar

The Complainant must establish that it has a trademark or service mark and that the disputed domain name is identical or confusingly similar to that trademark or service mark, to succeed.

The Complainant, Boursorama, is a French banking and financial services company. The Complainant has provided evidence of ownership of a French trademark in the term **BOURSO** for more than 20 years, and an International trademark registration in the term **BOURSOBANK** since 2023.

The disputed domain name is <boursobank.cc>.

As regards the question of identity or confusing similarity for the purpose of the Policy, it requires a comparison of the disputed domain name with the trademarks in which the Complainant holds rights. According to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), "this test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name".

Also, according to section 1.7 of the WIPO Overview 3.0, "in cases where a domain name incorporates the entirety of a trademark, 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 mark for purposes of UDRP standing".

The fact that a domain name wholly incorporates the Complainant's trademark BOURSOBANK without the addition or deletion of any letter or word, is sufficient for this Panel to establish identity or confusing similarity for the purpose of the Policy.

It is well accepted by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".cc", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark.

This Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and therefore finds that the requirements of paragraph 4(a)(i) of the Policy are satisfied.

B/ Rights or Legitimate Interests

Under paragraph 4(c) of the Policy, any of the following circumstances, if found by the Panel, may demonstrate the Respondent's rights or legitimate interests in the disputed domain name:

1. before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
2. the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
3. the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The consensus view of UDRP panels on the burden of proof under paragraph 4(a)(ii) of the Policy is summarized in section 2.1 of the WIPO Overview 3.0, which states: "[…] where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel accepts, in the absence of rebuttal from the Respondent, that the Respondent is not commonly known by the disputed domain name. The Complainant has not at any time authorized or licensed the Respondent to use **BOURSO** or **BOURSOBANK** as a domain name, business or trading name, trade mark or in any other way. In addition, nothing in the record shows any bona fide offering of goods or services from the disputed domain name on the part on the Respondent before the submission of the Complaint.

On the contrary, the use of the disputed domain name, by the Respondent, in connection with a fake looking page exactly reproducing the client login page of the Complainant, clearly demonstrates the absence of bona fide offering of goods or services through the disputed domain name.

The Panel concludes that the Respondent has no right or legitimate interests in the disputed domain name and therefore finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

C/ Registration and Use in Bad faith

For the purpose of Paragraph 4(a) (iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of the disputed domain name in bad faith:

1. circumstances indicating that the holder has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed 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 holders documented out-of-pocket costs directly related to the disputed domain name; or
2. the holder has registered the disputed 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 holder has engaged in a pattern of such conduct; or
3. the holder has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
4. by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on the holder's website or location.

The evidence on the record shows that the Respondent was certainly aware of the existence of the Complainant and of the rights of the Complainant. This is particularly evidenced by the fact that the domain name reproduces the Complainant's well-known trademark BOURSO, and the Complainant’s trademark BOURSOMANK.

In addition, the current use of the domain name in relation to a fake login page clearly establishes the Respondent’s knowledge of the Complainant and its trademark as well as the Respondent’s intention to actively defraud Internet users of average attention.

As customers accessing their bank details and statements online is ordinary, unfortunately so are phishing and fraud attempts. By registering and using the disputed domain name, the Respondent intended to create a false affiliation with the Complainant. The Panel concludes that the Respondent purposedly registered the disputed domain name in an attempt to defraud the Complainant’s consumers, thereby disrupting the Complainant’s business.

In light of all the elements above, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith, and finds that the requirement of paragraph 4(a)(iii) of the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursobank.cc**: Transferred

PANELLISTS

Name	**Arthur Fouré**

DATE OF PANEL DECISION 2025-07-16

Publish the Decision