Decision for dispute CAC-UDRP-107781

Case number	CAC-UDRP-107781
Time of filing	2025-07-30 09:55:48
Domain names	boursobank.contact

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	jean biso

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 the owner of the International trademark BOURSOBANK n° 1757984 at classes 09, 16, 35, 36, 38 & 41 registered since August 28, 2023.

In addition, the Complainant also owns a number of domain names, including the same distinctive wording BOURSOBANK such as the domain name <boursobank.com>, registered since November 23rd, 2005.

FACTUAL BACKGROUND

The Complainant, BOURSORAMA, operating under the name BOURSOBANK, grows in Europe with the emergence of e-commerce and the continuous expansion of the range of financial products online. Pioneer and leader in its three core businesses, online brokerage, financial information on the Internet and online banking, BOURSORAMA based its growth on innovation, commitment and transparency. In France, BOURSORAMA is the online banking reference with nearly 7,6 million customers. The portal www.boursorama.com is the first national financial and economic information site and the first French online banking platform.

The Complainant is the owner of the international trademark BOURSOBANK n° 1757984 registered since August 28, 2023.

The Complainant also owns a number of domain names, including the same distinctive wording BOURSOBANK, such as the domain name <boursobank.com>, registered since November 23rd, 2005.

The disputed domain name <boursobank.contact> (hereinafter, the „Disputed Domain Name“) was registered on July 23rd, 2025 and it is inactive. Besides, MX servers are configured.

According to Complainant’s non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name, and he is not related in any way to the Complainant’s business.

The Registrar of the Disputed Domain Name confirmed that the Respondent is the current Registrant, and that English is the language of the registration agreement.

The facts asserted by the Complaint are not contested by the Respondent.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

COMPLAINANT:

First element: Confusingly similar to the protected mark

The Complainant states that the Disputed Domain Name is identical to its trademark “BOURSOBANK®” and the domain name associated therewith.

The Complainant contends that the addition of the suffix “.CONTACT” does not change the overall impression of the designation as being connected to the trademark BOURSOBANK. It does not prevent the likelihood of confusion between the Disputed Domain Name and the Complainant, its trademark and its associated domain names.

Second element: Rights or legitimate interest

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that he is not related in any way to the Complainant’s business.

The Complainant indicates that the Respondent is not identified in the Whois database as the Disputed Domain Name. In accordance with Complainant’s allegations, past panels have held that a Respondent was not commonly known by a Disputed Domain Name if the Whois information was not similar to the Disputed Domain Name. Thus, Complainant argues that the Respondent is not known as the Disputed Domain Name.

The Respondent is not known by the Complainant. The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends 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.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark BOURSOBANK or apply for registration of the Disputed Domain Name.

Finally, the Disputed Domain Name is inactive. The Complainant contends that the Respondent did not use the Disputed Domain Name or has no demonstrable plan to use it.

Third element: The Disputed Domain Name has been registered and is being used in bad faith

The Disputed Domain Name is identical to the Complainant’s trademark BOURSOBANK.

The Complainant contends that it and its trademark BOURSOBANK have a significant reputation in France and abroad in connection with online financial services. To this end, the Complainant states that several experts confirmed the reputation of its trademark

BOURSOBANK and provided as a reference the WIPO Case No. D2024-5075. The Complainant contends that, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the Disputed Domain Name with full knowledge of the Complainant's trademarks.

Furthermore, the Disputed Domain Name points to an inactive page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the Disputed Domain Name, and it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Finally, the Disputed Domain Name has been set up with MX records, which suggests that it may be actively used for email purposes.

RESPONDENT:

Respondent did not reply to the Complaint.

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

1. THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR TO THE TRADEMARK BOURSOBANK® OF THE COMPLAINANT.

The Policy in its Paragraph 4(a)(i) indicates the obligation of Complainant to demonstrate that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights.

In accordance with the evidence provided, the Complainant owns one trademark and one domain name with the term **BOURSOBANK®** at least since the year 2023. In the present case, the Disputed Domain Name is identical to the Complainant's trademark.

Furthermore, the addition of the Top Level Domain Name ".CONTACT" in a domain is considered as a standard registration requirement and, therefore, it should be disregarded under the first element confusing similarity test (see paragraph 1.11 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition – hereinafter the "WIPO Overview 3.0").

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is identical to Complainant's mark.

2. RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME.

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it (see WIPO Overview 3.0., paragraph 2.1).

First of all, the Complainant asserts that the Respondent is not identified in the Whois database as the Disputed Domain Name. In this sense, Complainant indicated that Past Panels have held that a Respondent was not commonly known by a Disputed Domain Name if the Whois information was not similar to the Disputed Domain Name and, consequently, the Respondent is not known as the Disputed Domain Name.

In terms of the UDRP common practice, for a Respondent to demonstrate that it (as an individual, business, or other organization) has been commonly known by the domain name or a name corresponding to the domain name, it is not necessary for the respondent to have acquired corresponding trademark or service mark rights. The Respondent must however be "commonly known" (as opposed to merely incidentally being known) by the relevant moniker (e.g., a personal name, nickname, corporate identifier), apart from the domain name. Such rights, where legitimately held/obtained, would prima facie support a finding of rights or legitimate interests under the UDRP (see WIPO Overview 3.0, paragraph 2.3.).

The Registrar's verification provided to this Center on July 24, 2025 identified "Jean Biso" as the Registrant's contact of the Disputed Domain Name. Absent of reply of the Respondent, the Panel is of the opinion that the relevant moniker at the Whois database does not provide enough elements to support that the Respondent is commonly known apart from the domain name. Thus, the Panel is not able to find rights or legitimate interests under the UDRP on behalf of the Respondent.

Furthermore, the Complainant indicates that they have not granted authorization to the Respondent to use their BOURSOBANK® trademark. Furthermore, the Complainant asserts that the Respondent is not affiliated with him nor authorized in any way to use the trademark **BOURSOBANK®**.

The website associated with the Disputed Domain Name resolves to an inactive website. Different Panels have confirmed that the lack of content at the Disputed Domain Name can be considered as a finding that Respondent does not have a bona fide offering of goods and services (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc. v. Joannet Macket/JM Consultants).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests, which has not been rebutted by the Respondent. Therefore, the Panel concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the Disputed Domain Name.

The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

3. THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD.

Paragraph 4(a)(iii) of the Policy indicates that the Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered or 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 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 disputed 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.

For the current case, the evidence at hand confirms that Complainant's "**BOURSOBANK®**" trademark is distinctive and the Complainant has a strong reputation in the online financial industry, at least in Europe. Furthermore, the Complainant has provided evidence that the Respondent should have found information over the internet about the Complainant's trademarks rights over "**BOURSOBANK®**" before registering the Disputed Domain Name.

The evidence submitted by the Complainant also confirms that its trademark „**BOURSOBANK®**" is distinctive and it has a strong reputation in the online financial industry, at least in Europe. In this vein, the Complainant referred to the UDRP WIPO case No. D2024-5075, Boursorama S.A. v. Bourso Bank, regarding the domain name <boursobankapp.com> by which the Panel indicated the following: "Taking into account the distinctive character of the trademark and its reputation, as well as the composition of the disputed domain name, the Panel considers that the Complainant has registered this domain name on the basis of its reputation. disputed domain name, the Administrative Panel considers that the Complainant has registered the disputed domain name with full knowledge of **BOURSOBANK**'s trademark rights.".

Absent of the Respondent's reply, the Panel finds that the Respondent, prior to the registration of the Disputed Domain Name was aware of the Complainant's trademark, in particular since the Disputed Domain Name was registered on July 23rd, 2025 and the Complainant's trademark was registered in 2023.

As indicated by Complainant, the website associated with the Disputed Domain Name resolves to an inactive website. Past panelist have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding and for this purpose, the following factors should be taken into account: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

As explained before, the Complainant's mark is indeed distinctive and it has a strong reputation in the online financial industry, and by not replying to this Complaint, the Respondent did not show any evidence regarding the good faith to use the Disputed Domain Name. Thus, the finding of bad faith under the doctrine of passive holding can be applicable to the current case.

Last but not least, the Complainant provided evidence showing that.MX records are configured. Past Panels have found that the activation of mail exchanger record (MX record) suggests that the Respondent is using or is preparing to use the Disputed Domain Name to send and receive email communications with the purpose of misleading the recipients as to their source. This is an additional circumstance of the Respondent's bad faith.(See, e.g., Decathlon v. Privacy service provided by Withheld for Privacy, WIPO Case No. D2021-4369.

In light of the above-mentioned findings, the Panel finds that the evidence submitted by the Complainant supports the argument that by using the Disputed 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.

Therefore, the Panel concludes that Respondent registered and is using the Disputed Domain Name in bad faith and thus has satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boursobank.contact**: Transferred

PANELLISTS

Name	**Victor Garcia Padilla**

DATE OF PANEL DECISION 2025-09-01

Publish the Decision