Decision for dispute CAC-UDRP-107906

Case number	CAC-UDRP-107906
Time of filing	2025-09-01 09:58:27
Domain names	gestion-bourso.contact

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	lucas dumas

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 relies on a French trademark BOURSO, No. 3009973 with priority date from 22 February 2000 registered for goods and services in classes 9, 35, 36, 38, 41 and 42 of the International Nice Classification and on an international registration of a trademark BOURSOBANK No.1757984 registered from 28 August, 2023 for goods and services in classes 9, 16, 35, 36, 38 and 41 of the International Nice Classification.

FACTUAL BACKGROUND

The Complainant provides brokerage, financial information and banking services over the Internet through a portal at www.boursorama.com. It has over 4 million customers.

Besides the registered national trademarks BOURSO (French) and BOURSOBANK (international registration) the Complainant also owns several domain names which include the word element “BOURSO”, such as the domain name <boursorama.com>, registered since 1 March, 1998 or <bourso.com>, registered since 11 January, 2000 and <boursobank.com> registered since 23 November, 2005.

The disputed domain name, <gestion-bourso.contact> was registered by the respondent on 27 August, 2025 **and** resolves to an inactive website.

PARTIES CONTENTIONS

THE COMPLAINANT'S CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name <gestion-bourso.contact> and the Complainant's registered trademark BOURSO are confusingly similar.

Particularly, the Complainant contends that its trademark is fully contained within the disputed domain name and points out that the addition of the French term “gestion” is less relevant and does alter the overall same impression the domain name and the registered trademark leave.

The Complainant also points out that the applicable Top-Level suffix “.contact” does not per se prevent likehood of confusion.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name or a name corresponding to the disputed domain name, nor that the Respondent is doing any business with the Complainant. Moreover, the Complainant states that the Respondent has not been licensed or authorized in other way to use the Complainant’s trademark nor to apply for or use any domain name incorporating such trademark.

Registered and used in bad faith

As far as bad faith registration is concerned, the Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and concludes that it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, taking into consideration the reputation of the BOURSO trademarks.

Moreover, the Complainant contends that the disputed domain name has been set up with MX records which, according to him, suggests that it may be actively used for email purposes.

RESPONDENT'S CONTENTIONS:

The Respondent has not responded 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 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

Paragraph 15 of the Rules states that the Panel decides a 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 deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

The Panel finds that the disputed domain name <gestion-bourso.contact> is visually and phonetically very similar to the Complainant's registered trademark "BOURSO", given that the disputed domain name fully incorporates the previously registered trademark.

Moreover, the suggestive French word "gestion" (in English "management") which is generic, as well as the gTLD ".contact", which would usually be disregarded as it is a technical requirement of registration, do not alter the overall very similar impression the disputed domain name and the registered trademark produce.

Accordingly, the Panel considers that the disputed domain name and the Complainant's previously registered trademark are confusingly similar and infers that paragraph 4(a)(i) of the Policy is satisfied.

According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant, nor currently known and has never been known as "BOURSO", or any combination of such trademark.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

The Panel finds that the Complainant's trademark BOURSO is inherently distinctive, and that it is most unlikely the Respondent might have registered the disputed domain name without full knowledge of it.

Indeed, by choosing and registering the disputed domain name, which represents a confusingly similar version of the Complainant's trademark, which at least in France, the Respondent's country of origin) is well-known (see WIPO Case No. D2021-0671, Boursorama S.A. v. Contact Privacy Inc. Customer 1249617786 / Marcou), the Respondent is likely to be engaged in cybersquatting, a practice whereby domain names corresponding to or imitating well-known trademarks are registered in bad faith with the intent to exploit their reputation for commercial gain.

Furthermore, the Complainant notes that the disputed domain name does not resolve to any web site or other on-line presence, nor appears to have been used so far.

Prior panels have discussed the passive holding of a domain name (e.g. in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003) and found that the passive holding itself can constitute bad faith use.

The Panel recalls that „the relevant issue is not whether the Respondent is undertaking a positive action in bad faith in relation to the domain name, but instead whether, in all the circumstances of the case, it can be said that the Respondent is acting in bad faith". (see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003)

The particular circumstances of this case allow the Panel to infer that this is the case when the inactivity of the domain name holder could be considered as a bad faith use, given that:

The Complainant's business name and trademark "BOURSO" are widely known, as evidenced by its number of customers (4,9 million in France);

The disputed domain fully incorporates the Complainant's trademark;

The MX servers were configured which suggests that the disputed domain name may be actively used for email purposes;

The Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name.

Taking into account all of the above, 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.

In light of these particular circumstances, the Panel concludes that the Respondent's passive holding of the domain name in this particular case satisfies the requirement of paragraph 4(a)(iii) that the domain name "is being used in bad faith" by the Respondent.

Under such circumstances, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **gestion-bourso.contact**: Transferred

PANELLISTS

Name	**Hana Číslerová**

DATE OF PANEL DECISION 2025-09-30

Publish the Decision