Decision for dispute CAC-UDRP-108074

Case number	CAC-UDRP-108074
Time of filing	2025-10-22 07:26:45
Domain names	a-bourso.com, annulation-bourso.com

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondents

Organization	Netlify Inc
Organization	Netlify Inc

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following trademark consisting of the word element “Bourso”.

- French trademark for “BOURSO” No. 3009973 of February 22, 2000.

FACTUAL BACKGROUND

The Complainant is a French corporation with its core businesses in the fields of online brokerage, financial information on the internet and online banking. The Complainant has nearly 7,6 million online banking customers in France.

The disputed domain names have been registered by the Respondent on October 16, 2025.

The disputed domain name <annulation-bourso.com> is currently inactive, whereas the disputed domain name <a-bourso.com> links to an error page.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such conclusions therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain names.

I. Identical or Confusingly Similar disputed domain names

The Complainant has, to the satisfaction of the panel, shown both of the disputed domain names to be confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Uniform Dispute Resolution Policy (the

“Policy”).

The Complainant has shown that it has valid trademark rights in “BOURSO”.

The disputed domain names both include the Complainant's trademark in its entirety. The word “BOURSO” has no inherent meaning and is associated exclusively with the Complainant. Where a domain name incorporates a trademark in its entirety, the domain name will normally be considered confusingly similar to that trademark (WIPO Case No. D2020-2410 – Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc. among others).

The domain name <annulation-bourso.com> consists of the Complainant’s trademark, only the descriptive term “annulation” and a hyphen have been added. This is not sufficient to distinguish the disputed domain name from the trademark. The term “annulation” means cancellation in French. It describes the termination of contractual relationships. This term is therefore broadly associated with any corporation that regularly has contractual (financial) relationships with customers. The Complainant can - thus - be associated with this term. Because the majority of the Complainant’s users are French, this association also applies to the relevant target group.

The domain name <a-bourso.com> consists of the Complainant’s trademark, only the letter “a” and a hyphen have been added. The letter “a” is a generic non-distinctive term in English as well as in French. In French the letter “a” as used here without an accent means “has”. Generic terms such as these do not change the overall impression and are not sufficient to escape a finding of confusing similarity (see also WIPO Case No. D2016-1671- The American Automobile Association, Inc. v. Cameron Jackson / PrivacyDotLink Customer 2440314).

Lastly, the addition of the gTLD suffix “.COM” is not sufficient to escape the finding that both disputed domain names are confusingly similar to the Complainant's trademark and does not change the overall impression of the designations as being connected to the trademark of the Complainant.

II. The Respondent’s Rights or Legitimate Interests in the disputed domain names

The Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain names, within the meaning of paragraph 4(a)(ii) of the Policy.

While the overall burden of proof in UDRP proceedings lies with the Complainant, the burden of proof shifts to the Respondent where the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests. If the Respondent fails to provide evidence for its rights or legitimate interests, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (WIPO Case No. D2004-0110 – Belupo d.d. v. WACHEM d.o.o.; WIPO case no. D2003-0455 – Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain names, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademarks in a domain name. The Respondent’s name “Erik Kinney” also does not correspond to the domain names, nor is the panel aware that he is commonly known as “bourso”. Additionally, the fact that the website one of the disputed domain names links to is inactive and the other website shows an error-page, indicates the lack of use for any bona fide offer of goods or services (please see Forum Case No. FA 1773444, Ashley Furniture Industries, Inc. v. Joannet Macket / JM Consultants).

Summarised, the Complainant has established the necessary prima facie proof and there is no evidence for a use of the disputed domain names for any bona fide offer of goods or services or a legitimate non-commercial or fair use. Therefore, the Respondent has no rights or legitimate interests in the disputed domain names.

III. The disputed domain names have been registered and are being used in Bad Faith

The Respondent has also registered and is using the disputed domain names in bad faith within the meaning of para. 4 (a)(iii) of the Policy by intentionally attempting to attract internet users to their websites by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

The Respondent's passive holding of the disputed domain names by itself may not allow any conclusions to be drawn as to whether the disputed domain names were registered and are being used in good or bad faith (see para. 7.8 WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows). Despite the passivity of the Respondent, the circumstances of the individual case must be assessed and can lead to the conclusion of bad faith (see para. 7.9 WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows).

The Complainant’s business was founded in 1995 and already had a significant reputation as a provider of online financial services, especially in France, before the domain names were registered by the Respondent on 16 Oktober, 2025 (please also see WIPO Case No. D2021-0671, Boursorama S.A. v. Contact Privacy Inc. Customer 1249617786 / Marcou). The word element “bourso” has no inherent meaning in English nor in French and is therefore associated exclusively with the Complainant.

In both domain names, the word “annulation” and the letter “a” are separated from the word element “bourso” by a hyphen. The Complainant’s trademark is therefore separated, which establishes a clear connection to the Complainant. It is not apparent, why the Respondent would use the part “bourso” in the domain, other than to create the impression of being, or being associated with the Complainant (WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows).

The fact that “bourso” has no inherent meaning, also suggests that the domain names are both being used to be associated with this trademark.

For the domain <annulation-bourso.com> this is underlined by the fact, that the word “annulation” can be associated with the Complainant's activity as an online banking provider.

In the domain <a-bourso.com>, the generic addition of “a” before the Complainant’s trademark does not argue against the use for association with the Complainant.

Furthermore, the simultaneous registration of the two very similar domains by the same person also indicates, under these circumstances, that the domain names are intended to be associated with the Complainant.

Considering these circumstances, it is not possible to think of any plausible actual or contemplated active use of the domain names by the Respondent that would not be illegitimate (see also WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows).

Therefore, the Panel is convinced, that the domain names are being used to confuse users of the Respondent's website with the Complainant's actual website. This constitutes a case of bad faith under para. 4 (a)(iii) without falling under one of the explicit categories of para. 4 (b) (“without limitation”).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **a-bourso.com**: Transferred
2. **annulation-bourso.com**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2025-11-18

Publish the Decision