Decision for dispute CAC-UDRP-108101

Case number	CAC-UDRP-108101
Time of filing	2025-10-31 09:21:24
Domain names	assurance-boursobank.com

Case administrator

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

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	abdelhakim elahmadi

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

Complainant is the owner of the international trademark BOURSOBANK n°1757984 registered since August 28, 2023, based on a French registration and designating a number of other European countries for protection, covering a wide array of banking, financial and insurance services.

FACTUAL BACKGROUND

The disputed domain name <assurance-boursobank.com> was registered on October 29, 2025, by the Respondent who purports to live in France, and has resolved to a parking page of an apparent hosting company named Plesk. Currently it appears not to resolve at all.

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 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). The registered trademark BOURSOBANK is contained identically in the disputed domain name, the addition of the generic term “ASSURANCE” (a term somewhat synonymous with “INSURANCE”) is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark BOURSOBANK. It does not change the overall impression of the designation as being connected to the Complainant’s trademark, which is registered in connection with insurance services.

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). The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Respondent is not identified in the domain registration record in connection with the disputed domain name. The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has not used the disputed domain name, and that Respondent has no demonstrable plan to use the disputed domain name. Complainant cites Ashley Furniture Industries, Inc. v. Joannet Macket / JM Consultants, Forum Case No. FA 1773444 (“The Panel finds that Respondent’s lack of content at the disputed domain shows the lack of a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy ¶¶ 4(c)(i) and (iii).”). While that case is analogous as far as it goes, and might be cited as dicta for the proposition claimed by Complainant, it also involved much different evidence than Complainant presents here.

To wit:

Complainant argues that Respondent is using the <ashieyfurniture.com> domain name for an email address, used to pass itself off as Complainant and obtain personal and financial information. Passing off in furtherance of an e-mail phishing scheme is not a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy 4(c)(i) and (iii). ... Complainant provides a screenshot of Respondent posing as an employee of Complainant in an e-mail sent from the disputed domain name to Complainant’s customers, asking for payment. Therefore, the Panel finds that Respondent’s use of the disputed domain name is not a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy 4(c)(i) and (iii).

The Panel has independently reviewed records from MX Toolbox indicating that there is no MX record nor e-mail server associated with the disputed domain name; however, it has been blacklisted by Spamhaus and another cybersecurity firm.

On balance, Complainant makes sufficient allegations that Respondent has not made any legitimate or fair use of the domain name. Respondent has not offered any response, and so provides no reason why they would have registered the disputed domain name, which contains the name of a banking institution in the Respondent's home country and the word "assurance" which falsely indicates an association with the Complainant's business. Therefore, the Panel finds that Complainant has satisfied this element 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). Complainant contends that it and its trademark BOURSOBANK has a significant reputation in France and abroad in connection with online financial services. However, other than the International Registration of the Complainant's mark, the Complainant provides no evidence whatsoever as to its reputation. As the mark appears to have been in use only since 2023, the Panel presumes that such evidence may be lacking.

Complainant further contends that: "Several experts have confirmed the reputation of the trademark BOURSOBANK." But Complainant cites only to one case, Boursorama S.A. v. Bourso Bank, boursobankapp.com., WIPO Case No. D2024-5075 ("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."). That decision is in French, but the Panel accepts the Complainant's summary and translation of the quoted language, while noting that there was only a single panelist in that case.

Despite any evidence of Complainant's reputation, in the absence of any response, the Panel still agrees with Complainant that it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's

trademarks, and likely for no other reason than to capitalize wrongfully on whatever reputation the Complainant financial institution does have in France. The Panel cautions the Complainant that in future it should provide substantial evidence of reputation when it seeks to have the Panel recognize reputation as a factor in analyzing the Policy.

Finally, Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name as only a hosting company parking page has resolved there; and furthermore, 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 passing off, infringement of consumer protection legislation, and/or an infringement of the Complainant's rights under trademark law. The Panel notes that the disputed domain name was only registered about five weeks ago, so there has not been much time for the Complainant to engage in legitimate use. However, again in absence of any response, the Panel again agrees with Complainant on this point.

While Complainant has not provided any evidence of bad faith use, the Panel is not willing to deny the Complaint because there seems to be no likelihood of any potential good faith use. The passive holding of the disputed domain name by Respondent appears more likely to be only temporary, until Respondent activates the disputed domain name for nefarious purposes. Therefore, the Panel agrees that such passive holding is sufficient to show bad faith in this case, given the disputed domain name incorporates the Complainant's registered mark in the insurance industry, and adds only the analogous word "assurance". The Respondent has had about five weeks to put the disputed domain name to legitimate and good faith use, and has had opportunity to respond to Complainant's allegations but has not done so. Therefore, the Panel agrees that this element of the Policy has been satisfied, even if quite minimally that is reasonable under the circumstances. Neither Complainant nor the Panel ought to need to wait until bad things happen, before acting to prevent those very likely bad things from happening.

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

The disputed domain name contains the distinctive, registered trademark of a banking and insurance institution, adding only the generic word 'assurance.' The passive holding of the disputed domain name by Respondent appears most likely to be only temporary, until Respondent activates the disputed domain name for nefarious purposes. The Panel cannot conceive of any potential good faith use, and Respondent has not appeared to offer any. Therefore, the Panel agrees that such passive holding is sufficient to show bad faith registration and use in this case.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **assurance-boursobank.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2025-11-26

Publish the Decision