Decision for dispute CAC-UDRP-108297

Case number	CAC-UDRP-108297
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Domain names	boursobank-carte.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOURSORAMA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	amlo xd

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 owns International Trademark Registration No. 1757984 since August 28, 2023 for the word trademark BOURSOBANK.

FACTUAL BACKGROUND

The Complainant, 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 8 million customers. The portal www.boursorama.com is the first national financial and economic information site and the first French online banking platform. The disputed domain name <boursobank-carte.com> was registered on December 31, 2025.

PARTIES CONTENTIONS

COMPLAINANT

The disputed domain name is confusingly similar to the Complainant's trademark as it includes the trademark in its entirety and adds only a hyphen and the generic term "carte" as well as the ".com" TLD.

The Respondent has no rights or legitimate interests in the disputed domain name as it is not commonly known by the domain name and it resolves the domain name to a website that displays the Complainant's logo and seeks to collect the personal information of the Complainant's customers including their passwords.

The disputed domain name was registered and used in bad faith based on the Respondent's prior knowledge of the Complainant's trademark and on the above-mentioned activity by the associated website.

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

1. Confusing Similarity

The Complainant has established its rights to the BOURSOBANK trademark through its submission into evidence of its WIPO trademark registration certificate

The disputed domain name combines the Complainant's BOURSOBANK trademark with a hyphen, the generic word "carte", and the ".com" gTLD. These additions do not dispel the confusing similarity between the disputed domain name and the Complainant's trademark. Avast Software s.r.o. v. Milen Radumilo, 102384 (CAC April 19, 2019) ("it is well accepted that where the relevant

trademark is recognizable within the disputed domain name, the addition of descriptive terms would not prevent a finding of confusing similarity."). Further, the Panel views the use of the word "carte" as likely to exacerbate confusion due to the Complainant's provision of banking services, which typically involve the use of cards by customers. Union des Associations Europeenés de Football (UEFA) v. Nemykin Dmitriy Aleksandrovich, UDRP-107283 (CAC March 3, 2025) ("The descriptive term "tickets" does not eliminate confusing similarity. Moreover, given the Complainants' business activities, it actually increases confusion" as used in the domain name uefa-tickets.com).

Also, the extension ".com" typically adds no meaning or distinctiveness to a disputed domain name and may most often be disregarded in the Paragraph 4(a)(i) analysis. Novartis AG v. Wei Zhang, 103365 (CAC December 9, 2020) ("it is generally accepted that the addition of the top-level suffix in the domain name (e.g., '.com') is to be disregarded under the confusing similarity test").

Accordingly, the Panel finds that the Complainant has rights to its claimed trademark and that the addition of a hyphen and generic word thereto in the disputed domain name is insufficient to avoid a finding that it is confusingly similar to the Complainant's trademark. Thus, the Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights Or Legitimate Interests

Pursuant to Paragraph 4(a)(ii) of the Policy, the complainant has the burden of making a prima facie showing that the respondent has no rights or legitimate interests in the disputed domain name. Cephalon, Inc. v. RiskIQ, Inc., 100834 (CAC September 12, 2014). Once this burden is met, it then shifts to the respondent to demonstrate that it does have rights or legitimate interests in the domain name. Paragraph 4(c) of the Policy offers the respondent several examples of how to demonstrate its rights or legitimate interests in the disputed domain name.

With reference to Paragraph 4(c)(ii) of the Policy, the Complainant states that "[n]either 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.". The Respondent has not participated in this case and so it does not contest this. As such, the Panel concludes that the Respondent is not affiliated with the Complainant, nor is it authorized or licensed to use the Complainant's trademark or to seek registration of any domain name incorporating the asserted trademark. Furthermore, the Registrar for the disputed domain name identifies the Respondent as "Amlo Xd". There is no evidence that the Respondent is known otherwise and its use of the Complainant's trademark on its website does not, alone, support a different conclusion. Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com", D2000-0847 (WIPO October 16, 2000) ("use which intentionally trades on the fame of another" should not be considered. "To conclude otherwise would mean that a Respondent could rely on intentional infringement to demonstrate a legitimate interest, an interpretation that is obviously contrary to the intent of the Policy.") Based upon the available evidence in this case, the Panel cannot conclude that the Respondent is commonly known by the disputed domain name.

Next, under Paragraphs 4(c)(i) and 4(c)(iii) of the Policy, the Panel considers whether the Respondent is using the disputed domain name to make a bona fide offering of goods or services or whether it is making a legitimate non-commercial or fair use of the disputed domain name. The disputed domain name resolves to a website that claims to offer banking services under the name BOURSOBANK. Using a confusingly similar domain name to impersonate and pass oneself off as a complainant is not a bona fide offering of goods or services or a legitimate non-commercial or fair use per Paragraphs 4(c)(i) or (iii) of the Policy. See Ripple Labs Inc. v. Jessie McKoy / Ripple Reserve Fund, FA 1790949 (FORUM July 9, 2018) (no right or legitimate interest found where "the Domain Name, deliberately and inherently impersonates the Complainant and its trade marks."). Here, the Complainant provides a screenshot of the Respondent's resolving website and asserts that "the disputed domain name resolves to a page displaying the Complainant's logo. This page may be used for the purpose of collecting personal information from the Complainant's customers." Upon a review of the submitted evidence, the Panel notes that the Respondent's website displays the BOURSOBANK graphic logo at the top in the identical form as used by the Complainant, followed by the French text "La banque 100% en ligne qui vous ressemble." (in English, "The 100% online bank that suits you."). It goes on to display links titled "Compte courant" ("current account"), "Épargne" ("savings"), and "Crédit" ("credit"). Finally, the footer of the page displays the notation "© 2025 Boursobank.". The Complainant's assertion that this use of its trademark and of the disputed domain name is for the purpose of impersonation appears well-founded and the Respondent has not filed a Response or made any other submission in this case to offer an alternative explanation for its actions. As the Complainant has made out a prima facie case that has not been rebutted by the Respondent, upon a preponderance of the evidence before it the Panel finds that the Respondent fails to make a bona fide offering of goods or services or a legitimate non-commercial or fair use of the disputed domain name under Paragraphs 4(c)(i) or (iii) of the Policy.

3. The disputed domain name was registered and is used in bad faith

The Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. Hallmark Licensing, LLC v. EWebMall, Inc., D2015-2202 (WIPO, February 12, 2016) ("The standard of proof under the Policy is often expressed as the 'balance of the probabilities' or 'preponderance of the evidence' standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true.").

The Complainant first asserts that the Respondent was aware of and targeted the BOURSOBANK trademark at the time it registered the disputed domain name. Actual knowledge of a complainant's trademark may form the foundation upon which to build a case for bad faith under Policy paragraph 4(a)(iii). See, Intesa Sanpaolo S.p.A. v. Ciro Lota, UDRP-106302 (CAC April 4, 2024) ("Given the distinctiveness and reputation of the Complainant's prior marks, it is inconceivable that the Respondent could have registered the disputed domain name for a mere chance without actual knowledge of the Complainant's rights in such well-known marks and the intention to exploit such reputation by diverting traffic away from the Complainant's website."). The Complainant asserts that "its trademark BOURSOBANK has a significant reputation in France and abroad" and claims "given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks.". Unfortunately, the Panel finds in the submitted evidence no support for this claimed reputation of the Complainant's trademark (while trademark registrations prove the existence of legal rights, they do not speak to the reputation of a trademark with the consuming public). However, the fact that the Complainant's trademark is rather unique and, specifically, the appearance on the Respondent's website of the Complainant's graphic logo and its claimed offer of banking services provides significant evidence that the Respondent was aware of and targeted the Complainant. As such, the Panel concludes that the disputed domain name was registered with actual knowledge of the Complainant's trademark rights.

Next, the Complainant asserts that the Respondent registered and uses the disputed domain name in bad faith and seeks to pass itself off as the Complainant. Using a confusingly similar disputed domain name to pass oneself off as a complainant can demonstrate bad faith under Paragraphs 4(b)(iii) and (iv) of the Policy. See Harley-Davidson Motor Company Inc. v. Liu Peng et al., UDRP-106275 (CAC March 27, 2024) ("use of a disputed domain name to pass off as a complainant and offer competing or counterfeited goods may be evidence of bad faith per Policy paragraph 4(b)(iii) and (iv)."). As noted above, the Complainant provides a screenshot of the Respondent's website and the Panel notes that it makes prominent use of the BOURSOBANK trademark and graphic logo, claims to offer banking services, and displays a footer copyright notice that furthers the impersonation of the Complainant. The Respondent has not participated in this case to explain its actions and so, based upon a preponderance of the available evidence, the Panel finds it highly likely that the Respondent registered and uses the disputed domain name in bad faith by competing with the Complainant and seeking commercial gain through impersonation of the Complainant and confusion with its trademark, under Paragraphs 4(b)(iii) and (iv).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Steven Levy**

DATE OF PANEL DECISION 2026-02-05

Publish the Decision