

Decision for dispute CAC-UDRP-108713

Case number CAC-UDRP-108713

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Domain names boursobank.email

Case administrator

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

Complainant

Organization BOURSORAMA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Андрій Мазка

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 the international trademark registration under the Madrid system "BOURSOBANK" (word and device) No.1757984, registered on August 28, 2023, and protected, inter alia, in Austria, the Benelux, Germany, Poland and Spain ("Trademark").

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant states that it is one of the leaders in France and Europe in its three core businesses: online brokerage, financial information on the Internet and online banking and it continues its expansion in the range of financial products online.

The Complainant claims that it has nearly 8 million customers in France in the banking sector.

The Complainant's portal www.boursorama.com is the first national financial and economic information site and first French online banking platform.

In addition to the Trademark, the Complainant owns a number of domain names that include "BOURSOBANK" such as the domain name <boursobank.com>, registered since November 23, 2005.

The disputed domain name was registered on June 4, 2026 and it resolves to a registrar parking page.

The Complainant states that the disputed domain name is identical to its Trademark.

Furthermore, the Complainant contends that the addition of the suffix ".EMAIL" does not change the overall impression of the designation as being connected to the Complainant's Trademark.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant submits that the Respondent has no rights or legitimate interest in respect of the disputed domain name.

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name. Thus, the Respondent is not known at the disputed domain name.

The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. 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 Trademark or apply for registration of the disputed domain name.

Finally, the disputed domain name resolves to a parking page.

The Complainant contends that the Respondent did not use the disputed domain name or has no demonstrable plan to use the disputed domain name.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant's submissions on the third UDRP element can be summarized as follows:

- The disputed domain name is identical to the Trademark. The Complainant contends that it and its "BOURSOBANK" Trademark has a significant reputation in France and abroad in connection with online financial services;
- The Complainant submits that all the results of a search of the term "BOURSOBANK" refer to the Complainant.

Consequently, the Complainant asserts that the Respondent must have known about the Complainant and its rights at the time of the registration of the disputed domain name;

- The disputed domain name points to a parking 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 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. The Complainant refers to previous UDRP panels findings that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use and to the doctrine of passive holding.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the Factual Background section above.

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

A. Identical or confusingly similar

The Complainant provides evidence of its Trademark protected in various jurisdictions.

As confirmed by WIPO Overview 3.1: “where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case” (see sec. 1.2.1).

Therefore, the Complainant proved it has trademark rights.

With regard to confusing similarity, the Panel notes that the disputed domain name fully incorporates the Complainant's Trademark (its verbal component).

The Panel agrees with a view expressed in sec. 1.7 of WIPO Overview 3.1, namely that the confusing similarity test under the Policy typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Trademark is clearly recognizable within the disputed domain name as the word element of the Trademark is fully incorporated into the disputed domain name.

The “.email” TLD is to be disregarded for the first element analysis as it is a standard registration requirement.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Trademark of the Complainant and the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule in UDRP jurisprudence is the following:

- (i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and
- (ii) once such a prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see sec. 2.1 of WIPO Overview 3.1.

The Respondent did not respond.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate, see paragraph 14(b) of the Rules and **CAC Case No. 101284**: “A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant”.

The Complainant has made a prima facie case of the Respondent's lack of rights or legitimate interests.

The disputed domain name resolves to a registrar page with PPC links.

Whereas a page with PPC links may, in certain circumstances, support respondent's legitimate interest, this is not the case in this dispute, where the disputed domain name fully incorporates the Complainant's Trademark (its word element) and when circumstances indicate that the disputed domain name was registered with intent to exploit the Complainant's mark, see sec. 2.9 of WIPO Overview 3.1 and sec. 2.9 of UDRP Perspectives on Recent Jurisprudence (“[UDRP Perspectives](#)”), updated on June 02, 2026.

Besides, the disputed domain name itself (full incorporation of the Complainant's mark) suggests affiliation with the Complainant (see sec. 2.5 of WIPO Overview 3.1).

Given the absence of the response and any explanations from the Respondent as to his choice of the disputed domain name, the

Panel does not find any rights or legitimate interest of the Respondent in the circumstances of this dispute.

Therefore, the Complainant established the second UDRP element.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith.

These circumstances are non-exhaustive and other factors can also be considered in deciding about the bad faith element.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.1).

Targeting with the intent to take unfair commercial advantage of the complainant's mark is important in establishing bad faith under the Policy.

As noted in "UDRP Perspectives", in sec. 3.3: "targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties".

Besides, as noted by Gerald M. Levine in "**Domain Name Arbitration**", a leading treatise on the subject of the UDRP and domain name disputes: "knowledge and targeting are prerequisites to finding bad faith registration" and "knowledge of a complainant's mark, if not directly evident or denied, can be inferred or rebutted from website's content, strength of the mark and respective timing of a mark's use in commerce and registration of the domain name" (see "**Domain Name Arbitration**", Gerald M. Levine, "Legal Corner Press", Second Edition, 2019, page 235).

Here, evidence indicates that the Respondent targeted the Complainant and such targeting was with an intent to profit commercially from the Complainant's Trademark.

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

- 1) Timing of registration of the disputed domain name, some years after the Complainant registered its own Trademark and launched its business;
- 2) The composition of the disputed domain name, that indicates that the Respondent was aware of the Complainant and the Trademark on the date of registration of the disputed domain name. The disputed domain name fully incorporates the Trademark (its word element) and it is inconceivable, in the circumstances of this case, that the Respondent was not aware of the Complainant when he registered the disputed domain name;
- 3) The disputed domain name resolves to a page with PPC links that are related to Complainant's business. Even if the registrar, and not the Respondent, is responsible for such PPC links, this does not abolish Respondent's bad faith, given the circumstances of this dispute and available evidence, see sec. 3.5 of WIPO Overview 3.1. The Respondent registered the disputed domain name a few years after the registration of the Trademark, the disputed domain name is identical to the word element of the Trademark and to the Complainant's "BOURSOBANK" business and the Trademark is widely known in Europe, based on the evidence provided by the Complainant and verified by the Panel's own research undertaken in accordance with Rule 10 of UDRP Rules. The evidence and circumstances of this case demonstrate that the Respondent's intent in registering and using the disputed domain name was to capitalize on the Trademark's reputation;
- 4) Based on the above, the Panel finds that the Respondent's behavior falls within par. 4 b (iv) of the Policy and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent targeted the Complainant with an attempt to take unfair advantage of the Complainant's mark and that in itself demonstrates bad faith registration and use.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. boursobank.email: Transferred

PANELLISTS

Name Igor Motsnyi

DATE OF PANEL DECISION 2026-07-03

Publish the Decision
