

Decision for dispute CAC-UDRP-103772

Case number	CAC-UDRP-103772
Time of filing	2021-04-29 10:08:05
Domain names	dsp2-boursorama.live

Case administrator

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

Organization	BOURSORAMA SA
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Complainant representative

Organization	Nameshield (Laurent Becker)
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Respondent

Name	Benjamin Kors
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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 EU registered trademark no. 001758614 for the word mark BOURSORAMA registered on 19 October 2001 pursuant to an application filed on 13 July 2000.

FACTUAL BACKGROUND

The Complainant was founded in 1995 and provides online brokerage, financial information and banking services under the mark BOURSORAMA. It has over 2.37 million customers for its online banking services and over 400,000 stock exchange accounts. Its portal at www.boursorama.com was the first financial and economic information site and banking platform based in France and now receives over 50 million monthly visits.

The disputed domain name <dsp2-boursorama.live> was registered by the Respondent on 24 April 2021 and does not locate any website. The Respondent is not connected with or authorised by the Complainant.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark BOURSORAMA. The Panel is also satisfied that the disputed domain name is confusingly similar to this mark, which is distinctive, widely known, and incorporated in its entirety in the disputed domain name.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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 Panel is satisfied on the evidence that the Respondent has not used or made demonstrable preparations to use the disputed domain name in connection with any bona fide offering of goods or services, is not commonly known by the disputed domain name or any corresponding name, and is not making any legitimate non-commercial or fair use of the disputed domain name.

The Panel also accepts the Complainant's statement that the Respondent is not connected with the Complainant and not licensed or authorised by it to register or use the disputed domain name.

There does not appear to be any basis on which the Respondent can claim any rights or legitimate interests in the disputed domain name or any corresponding name, especially as it contains the entirety of the Complainant's distinctive and widely known mark, and was registered long after the Complainant established its business and registered the mark.

In these circumstances, 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

On the evidence there does not appear to be any bona fide reason for the Respondent's registration or use of the disputed domain name, which is confusingly similar to and incorporates the entirety of the Complainant's distinctive, widely used, long-established and long-registered mark.

In all the circumstances the Panel infers that the Respondent has acted and is acting in bad faith in registering the disputed domain name and passively using it by retaining it with the threat of some disruptive use.

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

The disputed domain name incorporates the entirety of the Complainant's distinctive, widely used, long-established and long-registered mark. There does not appear to be any bona fide reason for the Respondent's registration and use of the disputed domain name. The Respondent does not have any rights or legitimate interests in respect of the disputed domain name. In all the circumstances registration and passive use in bad faith are inferred.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. DSP2-BOURSORAMA.LIVE: Transferred

PANELLISTS

Name Jonathan Turner

DATE OF PANEL DECISION 2021-06-11

Publish the Decision