

Decision for dispute CAC-UDRP-105469

Case number	CAC-UDRP-105469
Time of filing	2023-05-25 09:10:36
Domain names	controles-clientboursos.com, reformeapp-clientboursos.com

Case administrator

Name	Olga Dvořáková (Case admin)
------	------------------------------------

Complainant

Organization	BOURSORAMA
--------------	-------------------

Complainant representative

Organization	NAMESHIELD S.A.S.
--------------	--------------------------

Respondent

Name	Fidel Kader
------	--------------------

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 is the owner of the word trademark BOURSO, registered in France on 22 February 2000 under No. 3009973 for goods and services of the classes 09, 35, 36, 38, 41, 42.

FACTUAL BACKGROUND

The Complainant, BOURSORAMA S.A., is an online banking company with over 4,9 million customers. According to the Complainant, its online portal is the first national financial and economic information site and the first French online banking platform. The Complainant further asserts that it is a pioneer and leader in its three core businesses: online banking, online brokerage and providing financial information on the internet. Furthermore, the Complainant states that its business grows in Europe with the emergence of e-commerce and the expanding range of financial products online.

The Complainant is the owner of a number of domain names, including <boursos.com> registered on 11 January 2000 and <boursorama.com> registered on 1 March 1998.

The first disputed domain name <controles-clientboursos.com> was registered on 18 May 2023. The Complainant states that the website that is operated under the first disputed domain name resolves to a login page copying the Complainant's official customer access website.

The second disputed domain name <reformeapp-clientbourso.com> was registered on 17 May 2023 and the Complainant demonstrates that the website that is operated under the second disputed domain name resolves to a blank page indicating an IP address.

PARTIES CONTENTIONS

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. **The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights**

According to the Complainant, the disputed domain names incorporates in full the Complainant's BOURSO trademark. The Complainant asserts that the addition of the generic terms 'controles', 'app', 'reforme' and 'client' does not prevent the disputed domain names from being confusingly similar to its BOURSO trademark.

The generic Top-Level Domain extension of the disputed domain names, in this case ".com", is typically disregarded under the confusing similarity test, as it is a standard requirement for registration.

Therefore, the Complainant concludes, and the panel agrees, that the disputed domain names are confusingly similar to the Complainant's trademark.

2. **The Respondent has no rights or legitimate interests in respect of the disputed domain names**

The Complainant states that the Respondent is not affiliated with nor authorized or licensed by the Complainant to make any use of the Complainant's trademark, or apply for registration of the disputed domain names. In addition, the Complainant asserts that it does not carry out any activity for, nor has any business with the Respondent.

The Complainant states that the first disputed domain name <controles-clientbourso.com> resolves to a login page copying the Complainant's official customer access website. According to the Complainant, the Respondent could use this page to mislead the consumers into believing that they are accessing the Complainant's website and collect personal information of the Complainant's clients.

The second disputed domain name <reformeapp-clientbourso.com> allegedly leads to a blank page indicating an IP address. The Complainant believes that the Respondent did not make any use of the second disputed domain and that the Respondent has no

demonstrable plan to use the disputed domain name.

The Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the two disputed domain names for a *bona fide* offering of goods or services. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the two disputed domain names.

3. The disputed domain names are registered and are being used in bad faith

The Complainant refers to past panels that have held that the BOURSO trademark is well-known (see WIPO Case No. *D2022-4646 Boursorama S.A. v. Ibraci Links, Ibraci Links SAS*). The Complainant argues that, given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered the two disputed domain names with full knowledge of the Complainant's trademark.

Moreover, the Complainant asserts that the Respondent is not known by the disputed domain names.

The Complainant further asserts that, by using the first disputed domain name <controles-clientbourso.com> for a login page copying the Complainant's official customer access website, the Respondent may mislead the consumers and collect their personal information. By doing so, the Respondent has intentionally attempted to attract, for commercial gain, internet users to his website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his websites.

In addition, the Complainant contends that the Respondent has not demonstrated any activity in respect of the second disputed domain name <reformeapp-clientbourso.com>. It is not possible to conceive of any plausible use of the second disputed domain name by the Respondent that would not be illegitimate. According to the Complainant, such a practice can be defined as "passive holding" and is considered as a bad faith use.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and is using the two disputed domain names in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **controles-clientbourso.com**: Transferred
2. **reformeapp-clientbourso.com**: Transferred

PANELLISTS

Name	Tom Heremans
------	---------------------

DATE OF PANEL DECISION	2023-07-03
------------------------	-------------------

Publish the Decision
