

ADMINISTRATIVE PANEL DECISION

Boursorama S.A. v. Blaine Yates, BlaineWebSolutions
Case No. D2023-1916

1. The Parties

The Complainant is Boursorama S.A., France, represented by Nameshield, France.

The Respondent is Blaine Yates, BlaineWebSolutions, United States of America.

2. The Domain Name and Registrar

The disputed domain name <boursoramaalerte.com> is registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2023. On April 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 29, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent (Not Identified) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 2, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 26, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on June 1, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a French provider of online brokerage, financial information on the Internet and online banking services with over 4.7 million customers in France.

The Complainant owns the European Trademark registration BOURSORAMA no. 001758614, registered on October 19, 2001.

The Complainant provides its services under its official homepage at “www.boursorama.com”.

The disputed domain name was registered on April 26, 2023.

The disputed domain name resolves to the Complainant’s official homepage and is configured for MX services.

5. Parties’ Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is confusingly similar to the BOURSORAMA trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the word “alerte” (meaning “warning” in French) is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and the redirection to the Complainant’s official homepage does not constitute use *a bona fide* use.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark BOURSORAMA at the time it registered the disputed domain name since it is redirected to the Complainant’s official website.

Consequently, the disputed domain name has been registered by the Respondent in order to take advantage of the good reputation the Complainant had built up in its BOURSORAMA trademark, with the sole aim to create a likelihood of confusion with the Complainant.

The redirection of the disputed domain name to the Complainant’s website and the setting up of MX records show that the disputed domain name is being used in bad faith because possible emails emanating from the disputed domain name could not be used for any good faith purpose.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;

- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns a trademark registration for its BOURSORAMA trademark.

The Panel notes that the disputed domain name incorporates the BOURSORAMA trademark in its entirety. The addition of the term “alerte” (meaning “warning” in French) does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

The addition of the generic Top-Level Domain “.com” in the disputed domain name is a standard registration requirement and as such is disregarded under the confusing similarity test under Policy, paragraph 4(a)(i). See [WIPO Overview 3.0](#), section 1.11.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s mark BOURSORAMA.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark BOURSORAMA and that before notice of the dispute, there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in good faith. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name, comprising the Complainant’s trademark and the term “alerte”, carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown to the satisfaction of the Panel that its BOURSORAMA trademark is well known.

In the view of the Panel, noting that the Complainant’s trademark predates the registration of the disputed domain name and the nature of the disputed domain name, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s well-known trademark, particularly considering that the disputed domain name redirects to the Complainant’s official website. In the circumstances of this case, this is evidence of registration in bad faith.

Considering that the Complainant uses the trademark BOURSORAMA for online banking and other financial services and that the disputed domain name consists of this trademark with the addition of the term “alerte” (which means “warning”) and that the disputed domain name redirects to the Complainant’s official website and that it is configured for MX records, there is a high risk that the disputed domain name could be used to

send fraudulent warning emails. Under these circumstances, it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <boursoramaalerte.com>, be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: June 14, 2023