

ADMINISTRATIVE PANEL DECISION

Boursorama v. Charle henri Proi, Prou industrie
Case No. D2023-3178

1. The Parties

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

The Respondent is Charle henri Proi, Prou industrie, France.

2. The Domain Names and Registrar

The disputed domain names <boursorama-securisation.com> and <boursorama-service.com> are registered with PSI-USA, Inc. dba Domain Robot (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2023. On July 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Admin Contact, PrivateName Services Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 28, 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 July 28, 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 August 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 29, 2023.

The Center appointed William Lobelson as the sole panelist in this matter on September 4, 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 Boursorama and operates in France in the fields of online brokerage, finance and banking, through its portal "www.boursorama.com". It is ranked as one of the first French online banking platforms.

The Complainant is the owner of several trademarks BOURSORAMA, *inter alia*:

- European trademark BOURSORAMA n°001758614 registered since October 19, 2001;

It also owns a number of domain names, such as <boursorama.com>, registered on March 1, 1998.

The disputed domain names were registered on July 22, 2023, and according to the Complaint, the disputed domain names resolve to a parking page with Pay-Per-Click ("PPC") links.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain names are confusingly similar to its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith. The Complainant requests the transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

(i) the disputed domain names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights (paragraph 4(a)(i));

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names (paragraph 4(a)(ii)); and

(iii) the disputed domain names have been registered and are being used in bad faith (paragraph 4(a)(iii)).

A. Identical or Confusingly Similar

The Complainant is the owner of trademark rights in the name BOURSORAMA, registered and used in relation with finance and banking services.

The disputed domain names: <boursorama-securisation.com> and <boursorama-service.com> reproduce the Complainant's trademarks in their entirety.

Where the relevant trademarks are recognizable within the disputed domain names, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), in this case the terms "sécurisation" and "service", would not prevent a finding of confusing similarity under the first element; see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition

(“[WIPO Overview 3.0](#)”).

Furthermore, the addition of the generic Top-Level Domain (“gTLD”) “.com” does not prevent a finding of confusing similarity.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defenses under UDRP paragraph 4(c) include the following:

(i) before any notice of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods and services;

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel notes that the Respondent has not filed a response and thus did not deny the Complainant’s assertions, nor brought any information or evidence demonstrating any rights or legitimate interests.

The Complainant has made a *prima facie* showing that the Respondent does not have any rights or legitimate interests in the disputed domain names, particularly by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain names.

The Complainant further contends that the Respondent is not known under the disputed domain names and does not make any *bona fide* or legitimate non-commercial use of the same, being emphasized that the disputed domain names do resolve towards parking pages with PPC links, on which the brand names “boursorama-securisation” and “boursorama-service” are not used in relation with a genuine and *bona fide* offer of goods or services.

The Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain names.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant has substantiated the fact that its trademark BOURSORAMA, that has been registered and used for years, is distinctive and now benefits from a certain level of public awareness, particularly in France.

Earlier UDRP decisions have acknowledged the Complainant’s trademark rights: *Boursorama SA v. Estrade Nicolas*, WIPO Case No. [D2017-1463](#): “Given the circumstances of the case including the evidence on record of the longstanding of use of the Complainant’s trademark, and the distinctive nature of the mark BOURSORAMA, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant’s mark.”

When the identity of the Respondent was disclosed by the Registrar, it was found that the Respondent is located in France. Due to the longstanding and use of the Complainant’s mark in France, the Respondent

could not reasonably be unaware of the Complainant's rights when it registered the disputed domain names.

The Panel observes besides that the Respondent made the choice of associating the trademarks BOURSORAMA with terms that refer to the Complainant's banking services ("securisation" and "service").

For this Panel, it is a clear indication that it necessarily had the Complainant's trademarks in mind when it registered the disputed domain names, and intended to divert Internet users.

The Panel infers from the above that the Respondent acted in bad faith when it registered the disputed domain names.

It is further noted by the Panel that the disputed domain names route towards a parking page with PPC links, on which the names "boursorama-securisation" and "boursorama-service" are not used in relation with any genuine and *bona fide* offer of goods or services.

Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe, WIPO Case No. [D2007-1695](#) ("Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a *bona fide* use.").

Besides, given that the Complainant operates in financial and banking services, the Panel suspects that the registration of the disputed domain names, which have been found confusingly similar with the Complainant's trademarks, is very likely intended to phishing purposes or similar fraudulent activities (WIPO Case No. [D2023-2729](#), *Boursorama S.A. v. FG GFGS*).

Accordingly, the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

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 names, <boursorama-securisation.com> and <boursorama-service.com> be transferred to the Complainant.

/William Lobelson/

William Lobelson

Sole Panelist

Date: September 6, 2023