

ADMINISTRATIVE PANEL DECISION

Bollore SE v. Robert Peter, Bollore Logistics
Case No. D2023-0208

1. The Parties

The Complainant is Bollore SE, France, represented by Nameshield, France.

The Respondent is Robert Peter, Bollore Logistics, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <bollorelogistics.org> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2023. On January 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 17, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 18, 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 January 18, 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 January 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 10, 2023.

The Center appointed Tuukka Airaksinen as the sole panelist in this matter on February 17, 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 was founded in 1822 and is one of the 500 largest companies in the world. Its subsidiary Bollore Logistics is one of the 10 leading worldwide transport and logistics companies present in 111 countries and employing more than 20,682 employees. The Complainant is the owner of the trademark BOLLORE LOGISTICS (fig), registered *inter alia* as an International trademark No. 1025892 as of July 31, 2009 and designating several countries such as Switzerland, China, Norway and Singapore.

The disputed domain name was registered on January 13, 2023 and does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The disputed domain name is identical to the Complainant's trademark and the disputed domain name includes the trademark in its entirety.

The Complainant has not licensed or otherwise authorized the Respondent to make any use of the Complainant's trademark or register the disputed domain name. There is no relationship between the Complainant and the Respondent.

The disputed domain name resolves to an inactive website and no use of the disputed domain name has been made since its registration. The Respondent has no legitimate interests in respect of the disputed domain name.

The Complainant's trademark is well-known and distinctive, so the Respondent must have been aware of the Complainant and its trademark when registering the disputed domain name. The disputed domain name has been registered in an effort to take advantage of the reputation of the Complainant and its trademark. The disputed domain resolves to an inactive website. The MX servers of the disputed domain name have been configured suggesting that the disputed domain name may be used for email purposes.

B. Respondent

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

6. Discussion and Findings

In order to obtain the transfer of a domain name, a complainant must prove the three elements of paragraph 4(a) of the Policy, regardless of whether the respondent files a response to the complaint or not. The first element is that the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. The second element a complainant must prove is that the respondent has no rights or legitimate interests in respect of the domain name. The third element a complainant must establish is that the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires that the Complainant establish that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

Consequently, the Complainant must prove that it has rights to a trademark, and that the disputed domain names are identical or confusingly similar to this trademark.

According to section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), “[t]he applicable Top Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”.

The disputed domain name is identical with the Complainant’s trademark as it includes the Complainant’s trademark entirely. The Panel notes that the Complainant’s trademark includes a figurative element consisting of a grey arch and a blue line intersecting each other. The figurative element, however, does not alter the dominant element of the Complainant’s trademark, which is the words BOLLORE LOGISTICS. See section 1.10 of the [WIPO Overview 3.0](#).

This means that the disputed domain name is identical or confusingly similar with the Complainant’s trademark and hence the first element of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests to the disputed domain name.

It is widely accepted among UDRP panels that once a complainant has made a *prima facie* showing indicating the absence of the respondent’s rights or legitimate interests in a disputed domain name the burden of production shifts to the respondent to come forward with evidence of such rights or legitimate interests. If the respondent fails to do so, the complainant is deemed to have satisfied the second element of the Policy. See, e.g., *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. [D2000-0270](#), and section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has credibly submitted that the Respondent is neither affiliated with the Complainant in any way nor has it been authorized by the Complainant to use and register the disputed domain name, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Respondent chose to register the disputed domain name under the name “Bollore Logistics” to worsen the likelihood of confusion with the Complainant..

The registration of the disputed domain name under the name “Bollore Logistics” falsely suggests affiliation with the Complainant and points to an intention to confuse Internet users by leading them to think that the disputed domain name belongs to or is associated with the Complainant or its subsidiary.

Additionally, the disputed domain name does not resolve to an active website, but its MX records have been activated. It is therefore possible that the disputed domain name may be used as a fraudulent email address, and it is inconceivable that the Respondent would be able to make any legitimate use of the disputed domain name.

Accordingly, the Panel finds that the Complainant has made a *prima facie* case that has not been rebutted by the Respondent. Considering the Panel’s findings below, the Panel finds that there are no other circumstances that provide the Respondent with any rights or legitimate interests in the disputed domain name. Therefore, the Panel finds that the second element of the Policy is fulfilled.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant establish that the disputed domain names have been registered and are being used in bad faith. Paragraph 4(b) of the Policy provides that the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

“(i) circumstances indicating that [the respondent has] registered or has acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent’s] documented out-of-pocket costs directly related to the domain name; or

(ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or

(iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business or competitor; or

(iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location.”

Considering the Complainant’s reputation and the fact that the disputed domain name is identical with the Complainant’s trademark, it is inconceivable that the Respondent would not have been aware of the Complainant or its trademark when registering the disputed domain name.

The disputed domain name does not refer to an active website. Accordingly, the disputed domain name is not in active use as an address for a specific website.

This, however, does not prevent the finding of bad faith under the doctrine of passive holding. See section 3.3 of [WIPO Overview 3.0](#).

Considering that the disputed domain name is identical to the Complainant’s trademark, it may be used for sending fraudulent emails, the Respondent has not responded to the Complaint, the Respondent has used a privacy service to conceal its identity, there are no obvious good faith or legitimate uses to which the disputed domain name may be put, the Panel considers, on balance, that the disputed domain name has been registered and is used in bad faith.

Therefore, the Panel finds that the third element of the Policy is fulfilled.

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, <bollrelogistics.org> be transferred to the Complainant.

/Tuukka Airaksinen/

Tuukka Airaksinen

Sole Panelist

Date: February 24, 2023