

ADMINISTRATIVE PANEL DECISION

BOLLORE SE v. li zheng yin

Case No. D2024-1229

1. The Parties

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

The Respondent is li zheng yin, China.

2. The Domain Name and Registrar

The disputed domain name <fbollore.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2024. On March 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 2024, 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 March 25, 2024, 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 March 25, 2024.

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 sent notification to the Respondent of the Complaint, and the proceedings commenced on April 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2024. The Respondent did not submit any response. Accordingly, the Center sent the notification to the Respondent’s default on May 1, 2024.

The Center appointed Petra Pecar as the sole panelist in this matter on May 10, 2024. 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, BOLLORE SE., established in 1822, has developed a presence across transportation, logistics, communications, and industry sectors through a strategy of innovation and international expansion. The Complainant is listed among the top 500 global companies and primarily controlled by the Bolloré family, with its shares traded on the Paris Stock Exchange. As of 2022, the group employs over 56,000 people worldwide and has reported revenues of 20,677 million euros, an operating income of 1,502 million euros, and shareholders' equity of 36,568 million euros.

The Complainant holds marks for BOLLORE, including International figurative mark registration

 No. 704697, registered on December 11, 1998 for goods in services in Classes 16, 17, 34, 35, 36, 38 and 39 in several jurisdictions, including China.

The Complainant manages its principal online presence through the domain name <bollore.com>, which was registered on July 25, 1997.

The disputed domain name was registered on June 3, 2023, and at the time of the Complaint filing, it resolved to a pornographic website.

The Respondent is purportedly an individual located in China.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name <fbollore.com> is confusingly similar to their trademark BOLLORE. Adding the letter "f" does not prevent the likelihood of confusion, as it still closely resembles the trademark. Such a minor misspelling is a clear example of typosquatting, aimed at exploiting the mark's reputation. Additionally, the generic Top-Level Domain ("gTLD") ".com" does not change the overall impression of the disputed domain name being connected to the trademark BOLLORE, thus maintaining the likelihood of confusion.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not known by the disputed domain name, is not affiliated with or authorized by the Complainant, and has no license to use the Complainant's mark. The disputed domain name is a typosquatted version of the Complainant's mark, exploiting typographical errors. Additionally, it resolves to a pornographic website, tarnishing the Complainant's mark.

Founded in 1822, the Complainant, a major global company listed on the Paris Stock Exchange, is controlled by the Bolloré family. With over 56,000 employees and significant financial metrics, the BOLLORE trademark is well-known and distinctive.

The Complainant argues that the misspelling of the trademark was intentionally confusing, indicating bad faith. The disputed domain name <fbollore.com> resolves to a pornographic website, further supporting claims of bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

As the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 by the Respondent in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a mark for the purposes of the Policy based on the prior registration for figurative BOLLORE mark, which predates the disputed domain name registration for 25 years. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name as is entirely included in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel considers that the disputed domain name <fbollore.com> is a misspelling of the mark BOLLORE. The only difference is the addition of the letter "f" at the beginning, which is a common tactic used in typosquatting. This practice involves registering domain names that are intentional misspellings of well-known trademarks to capitalize on typographical errors made by Internet users. Despite the slight alteration, the disputed domain name retains the same format and type of letters, making it visually and phonetically similar to the original mark. Section 1.9 of the [WIPO Overview section 3.0](#), specifically addresses misspellings and states that these minor alterations designed to mislead users are generally not considered legitimate uses of a domain name.

Furthermore, it is well accepted practice by UDRP panels that a gTLD, such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take gTLD ".com" when assessing confusing similarity of the disputed domain name.

Although the addition of the initial letter may bear on assessment of the second and third elements, the Panel finds the addition of such additional letter does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

According to the Complainant, the Respondent is not associated or connected with the Complainant in any way. The Complainant has not granted the Respondent any license or authorization to use or register any domain name that includes the Complainant’s mark. Furthermore, the Respondent has failed to provide a response to the Complaint, thereby not presenting any information or factors that could potentially justify prior rights or legitimate interests in the disputed domain name. Additionally, there is no evidence of the Respondent engaging in any legitimate or genuine use of the disputed domain name, whether for noncommercial or bona fide activities, since at the time of the Complaint filing, the disputed domain name resolved to a website with pornographic content.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(b) of the Policy. The Complainant, founded in 1822, is a recognized entity with a distinctive mark, BOLLORE. The intentional misspelling of the Complainant’s mark in the disputed domain name strongly indicates typosquatting, which constitutes evidence of bad faith registration.

The Complainant’s BOLLORE mark should be observed as a mark that is sufficiently distinctive and that enjoys a certain level of reputation based on longstanding use. The Respondent has failed to provide any response to the Complaint and has therefore failed to provide any justification for the registration and use of the disputed domain name. Based on the foregoing reasons, the Panel finds that the Respondent’s conduct should be considered as in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Moreover, the disputed domain name resolved to a website featuring pornographic content, which clearly demonstrates bad faith use. This conduct is intended to create confusion with the Complainant’s mark for

commercial gain, and such use of a domain name to host adult-oriented content is a recognized indicator of bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element 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 name <fbollore.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: May 24, 2024