

## **ADMINISTRATIVE PANEL DECISION**

### **BOLLORE SE v. Ibraci Links, IBRACI LINKS SAS**

#### **Case No. D2024-1763**

#### **1. The Parties**

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

The Respondent is Ibraci Links, IBRACI LINKS SAS, Mali.

#### **2. The Domain Name and Registrar**

The disputed domain name <bolorecredit.com> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2024. On April 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 27, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2024. The Respondent sent informal email communications to the Center on April 27, 2024, and May 22, 2024.

The Center appointed Ugur G. Yalçiner as the sole panelist in this matter on June 11, 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.

On June 19, 2024, the Center notified the parties that the Decision due date has been extended due to exceptional circumstances to July 5, 2024.

#### **4. Factual Background**

The Complainant is a French multinational company, which was founded in 1822 and operates in transportation and logistics, communication and media, and electricity storage and solutions. The Complainant is one of the 500 largest companies in the world.

The Complainant is the owner of several trademark registrations, including the International trademark registration BOLLORÉ with registration No. 704697, registered on December 11, 1998.

The Complainant also owns the domain name <bollore.com>, registered on July 25, 1997.

The disputed domain name was registered on April 22, 2024. At the time of filing of the Complaint, the disputed domain name resolved to a website where the Respondent purportedly offers credit services as identifying itself as the Complainant and using its legal information, evidence submitted as an Annex-6 and Annex-7 to the Complaint.. At the time of this Decision, the disputed domain name no longer resolves to any active website.

#### **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 Complaint includes the following contentions:

##### **(i) Identical or Confusingly Similar**

The Complainant contends that the deletion of the letter "l" in the trademark and the addition of term "CREDIT" to the trademark BOLLORÉ and the gTLD suffix ".com" is not sufficient to escape the finding that the domain name is confusingly similar to the trademark.

##### **(ii) Rights or legitimate interests**

The Complainant alleges that the Respondent is not identified in the WHOIS database as the disputed domain name, thus, the Respondent is not known as the disputed domain name, the Respondent is not affiliated with nor authorized by the Complainant in any way, the Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to its business, the Complainant does not carry out any activity for, nor has any business with the Respondent, neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark BOLLORÉ, or apply for registration of the disputed domain name by the Complainant.

The Complainant asserts that the disputed domain name resolves to a website offering credit services which impersonate the Complainant, as the Respondent identified itself as "BOLORE S.E" at the bottom of the webpage and reproduced its legal mentions, the Respondent uses the disputed domain name in a way that fails to confer rights and legitimate interests, as it is used to promote unrelated services and to impersonate the Complainant.

##### **(iii) Registration and Use in Bad Faith**

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's well-known and distinctive trademark BOLLORÉ, the Complainant is one of the 500 largest companies in the

world, the notoriety of the trademarks BOLLORÉ has been confirmed by past UDRP panels. Given the distinctiveness of the Complainant's trademark and reputation, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark.

The Complainant alleges that the disputed domain name resolves to a website offering credit services by impersonating the Complainant in its legal information, the Respondent attempts to attract Internet users by creating a likelihood of confusion with the Complainant's trademark and is obtaining commercial gain from its use of the domain name and the resolving website, the disputed domain name has been set up with Mail exchange ("MX") records, which suggests that it may be actively used for email purposes, the Respondent has already been involved in a previous UDRP proceeding for registering a domain name comprising a third party trademark. (See *Boursorama S.A. v. Ibraci Links, Ibraci Links SAS*, WIPO Case No. [D2022-4646](#)).

## **B. Respondent**

The Respondent sent informal emails to the Center, stating that "We inform the client and we're gonna delete it." and "Regarding links-fr.com, it was an error. This domain name hosted the content due to misconfiguration on the user's side".

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

- (i) the disputed domain name registered by the Respondent 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 in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant submits sufficient evidence for its registered trademark in several jurisdictions through its International registration. Accordingly, the Panel is satisfied that the Complainant is the owner of the trademark BOLLORÉ.

The disputed domain name incorporates the Complainant's trademark BOLLORÉ, with a missing letter "l" in the middle along with the additional term "credit". As numerous UDRP panels have agreed that the deliberate and obvious misspelling of a trademark constitutes "typosquatting" and to be confusingly similar to the relevant trademark. See section 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). The Panel also considers mere addition of the term "credit" does not prevent the confusing similarity with the Complainant's trademark as the Complainant's trademark BOLLORÉ is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

It is an accepted principle that generic Top-Level-Domains ("gTLDs"), in this case ".com", are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a Complainant's trademark. Disregarding the gTLD ".com", the Panel notes that the disputed domain name is confusingly similar to the Complainant's trademark.

In light of the above, the Panel finds that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

## **B. Rights or Legitimate Interests**

Once the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name, [WIPO Overview 3.0](#), section 2.1.

The Panel confirms that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has neither replied to the Complainant's contentions nor presented any evidence to support his rights or legitimate interests in the disputed domain name. On the contrary he sent an informal e-mail stating that the disputed domain name shall be deleted. As the Respondent has failed to rebut this case, the Panel concluded that the Complainant has established the second element of paragraph 4(a) of the Policy. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#); *Spenco Medical Corporation v. Transure Enterprise Ltd.*, WIPO Case No. [D2009-1765](#); *Swarovski Aktiengesellschaft v. blue crystal*, WIPO Case No. [D2012-0630](#) and *Pomellato S.p.A v. Richard Tonetti*, WIPO Case No. [D2000-0493](#).

The Panel notes that the Respondent does not have any registered trademarks or trade names and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademark.

According to the Complainant's assertion and evidence on record, the Respondent allegedly offers credit services as identifying itself as the Complainant. At present, the Panel determined that the disputed domain name no longer resolves to an active website. The Respondent's use of the disputed domain name therefore does not support a finding of rights or legitimate interests in the disputed domain name on the part of the Respondent. Panels have categorically held that the use of a domain name for illegal activity (here in the present case, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent." [WIPO Overview 3.0](#), section 2.13.1

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

## **C. Registered and Used in Bad Faith**

The Panel is satisfied with the relevant evidence submitted by the Complainant showing that it owns trademark registrations for BOLLORE, which have been registered and in use long before the registration of the disputed domain name and the Panel notes that the Complainant's trademarks are widely-known around the world.

The Panel is of the opinion that it is not possible for the Respondent to be unaware of the Complainant and its widely-known trademark when the disputed domain name was registered, and the Respondent's aim of the registration was to take an unfair advantage of the Complainant's trademark considering that the Respondent identifies itself as "BOLORE S.E" together with the Complainant's legal information namely RCS registration number, share capital, address of headquarters at the bottom of the website to which the disputed domain name resolved to, evidence submitted as Annexes 6 and 7 of the Complaint.

Several UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar, particularly domain names comprising typos or incorporating the mark plus a descriptive term, to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel is convinced that the purpose of the Respondent is to attract the Internet users by creating a likelihood of confusion with the Complainant's trademark for potential commercial gain within the meaning or paragraph 4(b)(iv) of the Policy. The Panel finds that the impersonation was the intention of the Respondent upon registration of the disputed domain name, and that the Respondent targeted the Complainant and its

trademarks; especially by the use of the Complainant's legal information on the website. Panels have held that the use of a domain name for illegal activity (here in the present case, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The current passive holding of the disputed domain name does not prevent a finding of bad faith, and in fact, under the circumstances of this case reinforces the lack of any good faith explanation for the registration and use of the disputed domain name. [WIPO Overview 3.0](#), section 3.3.

The Complainant also submitted a previous UDRP proceeding in which the same Respondent had been involved for registering a domain name incorporating a third party's trademark and it has been found by the Panel in that case to be registered and used the domain name in bad faith. See *Boursorama S.A. v. Ibraci Links, Ibraci Links SAS*, WIPO Case No. [D2022-4646](#). The Panel considers this fact to support the findings of bad faith of the Respondent in this case.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was registered and used in bad faith.

## 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 <bolorecredit.com> be transferred to the Complainant.

*/Ugur G. Yalçiner/*

**Ugur G. Yalçiner**

Sole Panelist

Date: June 28, 2024