



DECISION OF THE THIRD-PARTY DECIDER
Boursorama / Boursorama
Case no. 444233 / clientsboursorama.be

1. The Parties

1.1 Complainant:

BOURSORAMA

44 rue Traversière
92100 Boulogne Billancourt
France

Represented by:

Ms. Enora Millocheau
Legal counsel – Nameshield
79 rue Desjardins
49100 Angers
France

1.2 Domain Name Holder:

BOURSORAMA
Lucas Bezio
Rue des Postes 2
44000 Lille
IledeFrance
France

2. Domain name

Domain name: **clientsboursorama.be**
Registered on: 7 December 2024

Hereafter referred to as "the Domain Name".

3. Procedure



On 19 December 2024, the Complainant filed a complaint concerning the Domain Name (“Complaint”) with the Belgian Centre for Arbitration and Mediation (“CEPANI”), in accordance with the CEPANI Rules for domain name dispute resolution (the “Rules”) and the dispute resolution policy of DNS Belgium, incorporated in its Terms and conditions for .be domain name registrations (the “Policy”).

On 16 January 2025, CEPANI has appointed the undersigned, Mr. Renaud Dupont, as the Third-Party Decider to settle the dispute about the Domain Name.

The deliberations were closed on 23 January 2025.

The Domain Name Holder did not respond to the Complaint.

In accordance with article 6.4 of the Rules, this decision is based on the Complaint alone, including the exhibits attached to the Complaint.

4. Factual Background information

The Complainant is a French company that presents itself as a pioneer and leader in two key areas: online banking and economic and financial information on the Internet. The Boursorama.com portal is the leading French site for online financial and economic information. Boursorama is currently the 9th largest digital brand in France, with over 100 million monthly visits.

The Complainant owns the EU word trademark BOURSORAMA, filed on 13 July 2000 and registered under No. 001758614 on 19 October 2001 (the “Trademark”). The Complainant also holds several domain names including the BOURSORAMA sign, including “boursorama.com” and “boursorama.be”.

On 7 December 2024, the Domain Name was registered by the Domain Name Holder. The Domain Name does not resolve to a functional website.

5. Position of the parties

5.1 Position of the Complainant

The Complainant argues/asserts that:

- the Domain Name is confusingly similar to the Trademark;
- the Domain Name Holder has no rights or legitimate interests in the Domain Name; and
- the Domain Name Holder has registered and uses the Domain Name in bad faith.

5.2 Position of the Domain Name Holder

The Domain Name Holder did not respond to the Complaint.



6. Discussion and findings

Pursuant to Article 16.1 of the *CEPANI rules for domain name dispute resolution* (the “Rules”), the Third-Party Decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.

Pursuant to Article 10b (1) of the Terms and conditions of domain name registrations under the “.be” domain operated by DNS BE (the “Policy”), the Complainant must provide evidence of the following:

- *“the registrant’s domain name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the complainant has rights; and*
- *the registrant has no rights or legitimate interests in the domain name; and*
- *the registrant’s domain name has been registered or is being used in bad faith.”*

6.1 The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

The Complainant has sufficiently established that it is the holder of the Trademark, which it uses in connection with its business.

The Domain Name reproduces the Trademark in its entirety, differing by the addition of the term “clients”. This addition is insufficient to create any meaningful distinction and does not negate the similarity between the Trademark and the Domain Name. The term “clients” could indeed refer to the Complainant’s clients. It has been consistently ruled that adding descriptive and usual terms to a registered trademark in a domain name is not likely to differentiate the domain name from that registered trademark (CEPANI No. 444160, “solvay-chimie.be”; CEPANI No. 44465, “Umicore-group.be”).

As for the “.be” extension, it may be disregarded in the assessment of the identity or similarity between the Trademark and the Domain Name, pursuant to well-established case law of CEPANI (see inter alia CEPANI No. 444176, “belfisu.be”, No. 444175, “coyotesystem.be” and No. 444140, “meguiarsshop.be”).

The Third-Party Decider therefore finds that the Domain Name is confusingly similar to the Trademark in which the Complainant has rights. As a result, the public is likely to mistakenly associate the Domain Name with the Complainant. The first condition of Article 10b (1) of the Policy is met.



6.2 The Domain name holder has no right or legitimate interests in the Domain Name

The Complainant must prove that the Domain Name Holder has no rights or legitimate interests in the Domain Name.

Article 10b (3) of the Policy gives a non-exhaustive list of such circumstances which can demonstrate the Domain Name Holder's rights or legitimate interests in the Domain Name:

- *“prior to any notice of the dispute, the registrant used the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use; or*
- *the registrant (as an individual, business, or other organisation) has been commonly known by the domain name, even if he has no trademark; or*
- *the registrant is making a legitimate and non-commercial or fair use of the domain name, without intent to misleadingly divert consumers for commercial gain or to tarnish the trademark, trade name, social name or corporation name, geographical designation, name of origin, designation of source, personal name or name of the geographical entity at issue”.*

It is settled case-law that the Complainant does not have to prove a negative fact and that it is sufficient for the Complainant to make it plausible that the Domain Name Holder has no rights or legitimate interests in the Domain Name to shift the burden of proof to the Domain Name Holder (see *inter alia* CEPANI No. 444178, “belfius-inc.be”, No. 444176, “belfisu.be”, No. 444167, “yslbeauty.be”, No. 444140, “meguiarsshop.be” and No. 444132 “accenture-insights.be”).

In the present case, the Complainant reasonably contends that there are no reasons or circumstances indicative of any rights or legitimate interests in the Domain Name by the Domain Name Holder:

- The Domain Name Holder has not been authorised to register and use the Trademark as part of the Domain Name, nor is the Domain Name Holder affiliated with or authorized by the Complainant in any way. The Complainant does not carry out any activity for, nor has any business with, the Domain Name Holder;
- The Domain Name does not resolve to an active website. This indicates that the Domain Name Holder has not been using the Domain Name in connection with a bona fide offering of goods or services, is not commonly known by the Domain Name and makes no legitimate and non-commercial or otherwise fair use of the Domain Name.
- The Complainant asserts that the Domain Name Holder has not made demonstrable preparations for use of the Domain Name prior to any notice of the dispute.



In view of the above, the Third-Party Decider finds that the Complainant has made it plausible that the Domain Name Holder has no rights or legitimate interests in the Domain Name.

As the Domain Name Holder has not submitted any response and has therefore not provided any explanation or evidence to establish his rights or legitimate interests in the Domain Name, the Complainant's contentions in this respect are not contradicted.

Therefore, it must be concluded that the second condition under Article 10b (1) of the Policy is also fulfilled.

6.3 The Domain name holder's Domain Name has been registered or is being used in bad faith

According to Article 10b (2) of the Policy, the evidence of such in bad faith registration or use of a domain name can inter alia be demonstrated by the following circumstances:

- *“circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark, trade name, registered name or company name, geographical designation, name of origin, designation of source, personal name or name of the geographical entity, or to a competitor of the complainant, for a price that exceeds the costs that the registrant can show are directly related to the acquisition of the domain name; or*
- *the domain name was registered in order to prevent the owner of a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or a name of a geographical entity to use the domain name and that the registrant has engaged in a pattern of such conduct; or*
- *the domain name was registered primarily for the purpose of disrupting the business of a competitor; or*
- *the domain name was intentionally used to attract, for commercial gain, Internet users to the registrant's web site or other on-line location, by creating confusion with the complainant's trademark, trade name, registered name or company name, geographical designation, name of origin, designation of source, personal name or name of a geographical entity as to the source, sponsorship, affiliation, or endorsement of the registrant's web site or location or of a product or service on his web site or location.*
- *the registrant has registered one or more personal names without the existence of a demonstrable link between the registrant and the registered domain names”.*

The above article lists some examples of circumstances of bad faith; hence it should not be considered an exhaustive list but rather as guidance for the parties to establish the strengths and weaknesses of their claims (CEPANI No. 444102, “carrefour-express.be”).



Bad faith is a factual element and can be proven by any reasonable means, including presumptions and circumstances that indicate, with a reasonable degree of certainty, the existence of bad faith (CEPANI No. 444102, “carrefour-express.be”).

The following circumstances have been recognised as indicating the existence of bad faith:

- the domain name holder's knowledge, whether actual or reasonably certain, based on the evidence in the circumstances that a third party (the complainant) enjoyed a factual or legal situation previous to, and conflicting with, the litigious registration or use (CEPANI No. 44436, “bollore-logistics.be”);
- the passive holding of a domain name (CEPANI No. 444227, “rebel10broker.be” / “rebel10-broker.be”/“rebel10bank.be”/“rebel10-bank.be”/“rebel10trade.be”/“rebel10-trade.be”/“rebel10finance.be”/“rebel10-finance.be”/“rebell10.be”; CEPANI No. 44233, “piperheidsieck.be”);
- the provision of false WHOIS information (CEPANI No. 444223, “skechersinbelgium.be”; CEPANI No. 44233, “piperheidsieck.be”);
- the domain name holder's lack of response to the complaint (see also CEPANI No. 444121, “Spiriva.be”).

In the case at hand, the Third-Party Decider finds that the bad faith of the Domain Name Holder has been sufficiently established:

- Taking into account the distinctiveness and reputation of the Trademark, as well as the Complainant's online presence and multiple domain name registrations incorporating the sign BOURSORAMA, the Domain Name Holder could not have been unaware of the Complainant's rights at the time of registering the Domain Name. A simple search of trademark databases would have enabled the Domain Name Holder to ascertain the existence of the Complainant's Trademark;
- The Domain Name Holder has used the Complainant's name (Boursorama) to register the Domain Name, using a false postal address (the postal code 44000 does not correspond to the French region “Ile de France” or to the city of Lille, but to Nantes). It is likely that the Domain Name Holder used the Complainant's identity to increase the likelihood of confusion with the latter;
- The Domain Name does not resolve to any functional website, which could indicate an intent to block the Complainant's use rather than legitimate use by the Domain Name Holder;
- Finally, the Domain Name Holder did not respond to the Complaint.

Consequently, the Third-Party Decider finds that the third condition stated in Article 10b (1) of the Policy is also fulfilled.



7. Decision

Consequently, pursuant to Article 10(e) of the *Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE*, the Third-Party Decider hereby rules that the domain name registration for the "**clientsboursorama**" Domain Name is to be transferred to the Complainant.

Brussels, 5 February 2025.

Renaud DUPONT

The Third-Party Decider