

## **ADMINISTRATIVE PANEL DECISION**

Télévision Française 1 v. Valtteri Serimaa  
Case No. D2022-0688

### **1. The Parties**

The Complainant is Télévision Française 1, France, represented by AARPI Scan Avocats, France.

The Respondent is Valtteri Serimaa, Spain.

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

The disputed domain name <tf0u.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2022. On March 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 1, 2022, 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 March 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 28, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on April 5, 2022. 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 a French company in the field of production and broadcasting of TV programs and operates in particular TF1, one of the most watched television channels in Europe.

Among other activities, since 2007 the Complainant has been broadcasting a program for children under the trademark TFOU.

The Complainant owns several trademarks with the element TFOU, *inter alia*, the French trademarks TFOU! (logo) (Registration No. 3005643, filed on February 4, 2000) and TFOU (logo) (Registration No. 3555553, filed on February 13, 2008) which are both registered in numerous classes.

The Complainant also holds several domain names, including the domain name <tfou.com> which was registered on March 19, 1999.

The disputed domain name was registered on November 15, 2021.

The disputed domain name resolves to an inactive site which only features the sentence "You are beautiful!".

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends as follows:

The disputed domain name is confusingly similar to the TFOU trademarks in which the Complainant has rights, because the replacement of the letter "O" by the number "0" is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The mark TFOU is well known and associated with the Complainant, since the trademark TFOU has been extensively used to identify the Complainant's program for children for many years. The Respondent has not been authorized by the Complainant to use this trademark and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a *bona fide* offering of goods and services.

The disputed domain name was registered and is being used in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well known trademark TFOU at the time it registered the disputed domain name, and because the lack of use of a domain name that coincides with a well-known trademark owned by someone else constitutes use in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 Panel is satisfied that the Complainant owns trademark registrations for its TFOU trademark.

The disputed domain name corresponds to the Complainant's trademark TFOU, the only difference being the replacement of the letter "O" by the number "0". Given their visual similarity, the mere replacement of the letter "O" by the number "0" does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i).

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark TFOU.

The first element of paragraph 4(a) of the Policy has been met.

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

The Complainant states it has not authorized the Respondent to use the trademark TFOU and that before notice of the dispute, there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy has been met.

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

The Complainant has shown to the satisfaction of the Panel that its TFOU trademark has been used for many years and that it is well known.

In the view of the Panel, considering in particular the Complainant's pre-existing <tfou.com> domain name, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The disputed domain name resolves to an inactive site which only features the sentence "You are beautiful!". The Respondent's passive holding of this disputed domain name qualifies as use in bad faith in this case (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The Panel notes the reputation of the Complainant's trademark, and the Respondent's failure to submit a response or provide any evidence of actual or contemplated good-faith use.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

## **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 <tfou.com> be transferred to the Complainant.

/Andrea Mondini/  
**Andrea Mondini**

Sole Panelist  
Date: April 10, 2022