

ADMINISTRATIVE PANEL DECISION

Groupe la Centrale v. duchen nuo
Case No. D2022-1406

1. The Parties

Complainant is Groupe la Centrale, France, represented by Inlex IP Expertise, France.

Respondent is duchen nuo, China.

2. The Domain Name and Registrar

The disputed domain name <lacentraletrading.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 April 20, 2022. On April 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 21, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on April 21, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 22, 2022.

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 Respondent of the Complaint, and the proceedings commenced on April 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 17, 2022.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on May 18, 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

Complainant is a company organized under the laws of France, which offers classified ads in the automotive field.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand LA CENTRALE, including, but not limited, to the following:

- Word mark LA CENTRALE, European Union Intellectual Property Office (EUIPO), registration number: 001919182, registration date: January 23, 2003, status: active.

Moreover, Complainant has evidenced to own the domain names <lacentrale.com> since January 17, 1997, and <lacentrale.fr> August 22, 1996, the latter of which redirects to Complainant's official website at "www.lacentrale.fr", offering the aforementioned classified ads in the automotive field.

Respondent, according to the disclosed Whois information for the disputed domain name, is a resident of China who registered the disputed domain name on December 9, 2021. By the time of the rendering of this decision, the disputed domain name does not resolve to any content on the Internet. Complainant, however, has demonstrated that at some point before the filing of the Complaint, the disputed domain name resolved to a website in the Chinese language at "www.lacentraletrading.com", displaying pornographic content.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that its LA CENTRALE trademark is widely and notoriously known by the French public in relation to classified ads in the automotive field. When undertaking a Google search for the term "La Centrale", the top search results almost exclusively point to Complainant, and none to Respondent.

Complainant submits that the disputed domain name is confusingly similar to Complainant's LA CENTRALE trademark, as it contains the latter in an identical way, only added by the word "trading". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent obviously has no own (trademark) rights relating to the terms "La Centrale" and/or "La Centrale Trading", (2) Respondent has not been licensed or otherwise authorized by Complainant to use its LA CENTRALE trademark and there is no business relationship between the Parties whatsoever, and (3) the disputed domain name redirects to a pornographic content website, which may clearly damage Complainant's reputation. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Complainant's LA CENTRALE trademark is well-known by the public, and it is not possible that Respondent registered the disputed domain name without knowing of Complainant's LA CENTRALE trademark, which had been in use in France many years before the registration of the disputed domain name took place, (2) the website under the disputed domain name is set up in Chinese language/characters, though the disputed domain name is in Latin characters, and (in part) in French language, proving that Respondent is seeking to reference or damage Complainant's LA CENTRALE brand image, (3) the website under the disputed domain name does not contain any legal notice that would allow to clearly identify its publisher, and (4) in view of the above, it is clear that Respondent, by using the disputed domain name, has intentionally attempted to attract Internet users to Respondent's pornographic content website, by creating a likelihood of confusion with Complainant's LA CENTRALE trademark.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name is confusingly similar to the LA CENTRALE trademark in which Complainant has rights.

The disputed domain name incorporates the LA CENTRALE trademark in its entirety. Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, it has been held in many UDRP decisions and has become a consensus view among panelists (see [WIPO Overview 3.0](#), section 1.8), that the addition of other terms (whether, e.g., descriptive or otherwise) would not prevent the finding of confusing similarity under the first element of the UDRP. Accordingly, the addition of the term "trading" does not dispel the confusing similarity arising from the incorporation of Complainant's LA CENTRALE trademark in the disputed domain name.

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent obviously has not been authorized to use Complainant's LA CENTRALE trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the terms "La Centrale" and/or "La Centrale Trading" on its own. Moreover, while by the time of the rendering of this decision, the disputed domain name does not resolve to any content on the Internet, Complainant has demonstrated that at some point before the filing of the Complaint, the disputed domain name resolved to a Chinese language/character website at "www.lacentraletrading.com", displaying pornographic content. Given that the disputed domain name incorporates Complainant's LA CENTRALE trademark in its entirety, and that the only added term "trading" even relates to Complainant's core business of classified ads in the automotive field, it must be held that the disputed domain name carries, as such, a

risk of implied affiliation with Complainant's LA CENTRALE trademark (see e.g. [WIPO Overview 3.0](#), section 2.5.1). Therefore, using the disputed domain name e.g. to resolve to a Chinese language/character website at "www.lacentraletrading.com", which displays pornographic content, without any apparent reason as to why Respondent relies on the (French) term "La Centrale" together with the English term "Trading" in the disputed domain name other than to point at Complainant's well-known LA CENTRALE trademark, cannot constitute *bona fide* or fair use within the meaning of the Policy.

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name. Having done so, the burden of production shifts to Respondent to come forward with appropriate evidence demonstrating such rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has not submitted a Response, it has not met that burden.

Therefore, the Panel finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

On the basis of the circumstances to this case, it is at least more likely than not that Respondent was well aware of Complainant's rights in the LA CENTRALE trademark (notwithstanding its claimed well-known character in France and beyond) when registering the disputed domain name and that the latter clearly is directed to such trademark. The term "La Centrale Trading" – as it is reflected in the disputed domain name – is on the one hand confusingly similar to Complainant's LA CENTRALE trademark and on the other hand lacks any direct or indirect connection to pornographic content as it had been temporarily put in place by Respondent under the disputed domain name. Moreover, such website under the disputed domain name was set up in Chinese language/characters, and neither in French nor in English, from which languages the terms "La Centrale" and "Trading" in the disputed domain name derive. There were numerous links on the website providing pornographic video applications to the Internet users, which may generate advertising income. Such circumstances are a clear enough indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's LA CENTRALE trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website, and so serve as evidence of registration and use of the disputed domain name in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy.

In connection with this finding, it also carries weight in the eyes of the Panel that (1) the pornographic content website under the disputed domain name apparently did not include any legal notice/imprint allowing to identify who was running that website, and (2) Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name since, according to the correspondence by the postal courier DHL, the Written Notice on the Notification of Complaint dated April 6, 2022, could not be delivered due to an invalid address. Such circumstances at least throw a light on Respondent's behavior, which supports the Panel's bad faith finding.

Therefore, the Panel holds that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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 <lacentraletrading.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: May 31, 2022