

ADMINISTRATIVE PANEL DECISION

Skis Rossignol - Club Rossignol v. Domain Protection Services, Inc. / Sodsj Pjdffq

Case No. D2022-3232

1. The Parties

The Complainant is Skis Rossignol - Club Rossignol, France, represented by Ebrand Services, France.

The Respondent is Domain Protection Services, Inc., United States of America ("United States") / Sodsj Pjdffq, China.

2. The Domain Name and Registrar

The disputed domain name <rossignolfr.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 31, 2022. On August 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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 the Complainant on September 7, 2022, 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 September 8, 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 the Respondent of the Complaint, and the proceedings commenced on September 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 5, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on October 12, 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 manufacturer of Alpine & Nordic skiing equipment and of snowboarding equipment, as well as related outerwear and accessories. The Complainant is a historical French company created in 1947, with more than 390 employees and with a turnover of EUR 249,290,000 between 2018 and 2019.

The Complainant is also the owner of domain names composed of the ROSSIGNOL trademark, such as the main domain name <rossignol.com>, registered on June 16, 1997. This domain name resolves to the website used to market the Complainant's products.

The Complainant owns the ROSSIGNOL trademark, which enjoys thorough protection through many registrations worldwide.

The Complainant is, *inter alia*, the owner of:

International Trademark ROSSIGNOL registration No. 608923, registered on October 29, 1993;

European Union Trademark ROSSIGNOL registration No. 008930191, registered on August 24, 2010;

United States Trademark ROSSIGNOL (device) registration No. 6655714, registered on March 1, 2022.

The disputed domain name was registered on January 22, 2022.

The disputed domain name is currently directing to a webpage reproducing the Complainant's official website, brands, logos and photos, and selling products under the ROSSIGNOL sign.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

- (a) the disputed domain name is confusingly similar to the Complainant's trademark;
- (b) the Respondent lacks any rights or legitimate interests in the disputed domain name; and
- (c) the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

(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 in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the ROSSIGNOL trademark.

The disputed domain name consists of the ROSSIGNOL trademark combined with the letters “fr”. The addition of the letters “fr” in the disputed domain name does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “rossignol” or by any similar name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In fact, the disputed domain name resolves to a webpage reproducing the Complainant’s official website, brands, logos and photos, and selling unauthorized (if not counterfeit) products under the ROSSIGNOL name. In fact, according to the Complainant’s statements (not refuted by the Respondent) some of these products are to be considered counterfeit Rossignol products. The Respondent has not replied to the Complainant’s contentions (made in the course of this proceeding) claiming any rights or legitimate interests in the disputed domain name. Moreover, the fact that the disputed domain name consists of the Complainant’s trademark along with the letters “fr” (generally used to refer to France) carries with it a risk of implied affiliation, potentially conveying to unsuspecting Internet users the false belief that any website related thereto would be associated or endorsed with the Complainant’s official services in France.

The Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts and agrees with the Complainant’s contentions that the disputed domain name was registered and has been used in bad faith.

The disputed domain name was registered many years after the Complainant’s renowned trademark was registered. In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant’s trademark when registering the disputed domain name that is confusingly similar to the Complainant’s trademark.

The Respondent’s knowledge of the ROSSIGNOL mark is particularly obvious, given that the ROSSIGNOL trademarks are displayed on the website at the disputed domain name.

In addition, by displaying the Complainant’s registered trademark on the Respondent’s website, the Respondent misled consumers into believing that the Complainant or an affiliated dealer were the source of the website.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the ROSSIGNOL trademark.

The bad faith registration and use of the disputed domain name is also affirmed by the fact that, in this proceeding, the Respondent has not denied any of the assertions of bad faith made by the Complainant, and particularly the assertion that the goods sold on the Respondent's website are fake.

Consequently, this Panel finds that the Respondent's use of the inherently misleading disputed domain name, *i.e.* to resolve to a website where unauthorized and apparently fake ROSSIGNOL trademarked goods are displayed, amounts to bad faith use.

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, the Complainant has satisfied paragraph 4(a)(iii) 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 <rossignolfr.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: October 26, 2022