

ADMINISTRATIVE PANEL DECISION

CASSY SAS v. Domain Administrator, DVLPMNT MARKETING, INC.
Case No. D2025-0430

1. The Parties

The Complainant is CASSY SAS, France, represented by Shannon Avocats, France.

The Respondent is Domain Administrator, DVLPMNT MARKETING, INC., Saint Kitts and Nevis, represented by Glenn Gallagher, Esq., United States of America.

2. The Domain Name and Registrar

The disputed domain name <cassy.com> is registered with DNC Holdings, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 6, 2025, 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 Complainant filed an amendment to the Complaint on February 6, 2025.

The Center verified that the Complaint together with the amendment to 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 February 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. The Response was filed with the Center on February 27, 2025. The Complainant filed a Supplemental Filing on March 10, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 7, 2025. 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, under its CASSY mark, has been operating an e-commerce website from “www.cassyshoes.com” since 2019, offering shoes, boots, handbags, clothing, socks, and tote bags for sale.

The Complainant and its President, Madame Cassy Fremont, own trademark registrations for the Complainant’s CASSY mark in a number of jurisdictions, the earliest of which is French Trademark Registration No. 4567318 CASSY in classes 18, and 25, having a registration date of July 12, 2019.

The Respondent is a domainer, speculating on domain names for profit. It has been the respondent in at least 46 cases under the Policy, the majority of which have been decided against it, although, as the Respondent points out in its Response, it did not file a response in most of these cases.

The disputed domain name was registered on April 30, 1998. It presently resolves to a self-improvement and travel blog. The website also indicates that the disputed domain name is for sale, linking to a listing for the disputed domain name at the domain name marketplace Saw.com.

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. Notably, the Complainant contends that the disputed domain name was registered and has been used in bad faith in order to take advantage of the Complainant’s reputation in its CASSY mark for the purposes of selling the disputed domain name to the Complainant for an exorbitant price.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Respondent contends that the Complainant was only founded, and only acquired trademark rights, long after the Respondent registered the disputed domain name in 1998, thus the Respondent could not have had the Complainant in mind when it registered the disputed domain name. The Respondent claims that it registered the disputed domain name for its semantic value as a common first name, with the intention of on-selling it as a valuable generic domain name, without any intention of targeting the Complainant. The Respondent claims that the Complaint was brought in bad faith as an alternative means for the Complainant to acquire the disputed domain name, and the Respondent requests a finding of Reverse Domain Name Hijacking (“RDNH”).

6. Discussion and Findings

A. Preliminary Issue – Supplemental Filing

The Complainant filed an unsolicited supplemental filing.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Société aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. [D2007-0214](#); WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.6.

The Response contained an allegation of RDNH, and the Panel agrees with the statement made by the Panel in *Cosmos European Travels AG v. Eurotech Data Systems Hellos, Ltd.*, WIPO Case No. [D2001-0941](#) to the effect that a complainant facing an allegation of RDNH is “entitled to defend itself”. To that extent, the Panel admits the Complainant’s Supplemental Filing.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

Given the Panel’s findings in relation to the third element below, there is no need to consider the second element.

D. Registered and Used in Bad Faith

The disputed domain name was registered in 1998. The Respondent claims to have been the original registrant in 1998 and has presented evidence showing ownership of the disputed domain name dating back as early as 2013. In its Supplemental Filing, the Complainant admits that the evidence presented with the Response proves that the Respondent has held the disputed domain name since 2014. As the Complainant was only founded in 2019 and had not acquired any trademark rights in the CASSY mark prior to its founding, the Respondent could not possibly have targeted it at the time of registration or acquisition of the disputed domain name, regardless of whether the disputed domain name was registered or acquired by the Respondent in 1998, 2013 or 2014. The Complaint must therefore fail, bearing in mind the conjunctive nature of the bad faith element, requiring both bad faith registration and bad faith use.

The Complainant, aware of the registration date of the disputed domain name, contends as follows:

“There is no evidence to support the conclusion that DVLPMNT MARKETING has owned the disputed domain name since 1998....It should be noted that the domain name was renewed in 2024, precisely when company CASSY was beginning to grow and establish its reputation in France and abroad. Everything suggests that DVLPMNT MARKETING acquired the domain name at the time of its renewal.”

The mere renewal of a domain name is not considered a transfer. [WIPO Overview 3.0](#), section 3.9. Despite its contentions, the Complainant has not presented any credible evidence pointing to a transfer of the disputed domain name to the Respondent after the registration date in 1998, and certainly none pointing to a transfer after the Complainant’s founding in 2019. The Respondent’s evidence showing its ownership of the disputed domain name since at least 2013 is thus unchallenged and not contradicted by anything in the record, and the Complainant has admitted that the Respondent’s evidence proves ownership since at least 2014.

In any event, there is no evidence to suggest that the Respondent has used the disputed domain name to target the Complainant. The website to which the disputed domain name resolves is unrelated to the Complainant. The Complainant argues that the Respondent’s offers to sell the disputed domain name to the

Complainant in pre-Complaint discussions for significant sums evidence an intention on the part of the Respondent to sell the disputed domain name to the Complainant all along. What is clear from the record is that the Respondent's offers to sell the disputed domain name to the Complainant were in response to the Complainant's enquiries – the discussions were initiated by the Complainant, which points away from targeting. *Mark Overbye v. Maurice Blank, Gekko.com B.V.*, WIPO Case No. [D2016-0362](#).

The Respondent's claims that it registered and has used the disputed domain name for its value associated with the generic nature of "cassy" are quite plausible and there is nothing in the record that contradicts this. The disputed domain name corresponds to a common personal name. Internet searches for "cassy" return results relating to many other offerings besides the Complainant. Likewise with trademark searches. The Complaint does not prove any reputation in the hands of the Complainant in its CASSY mark. It is trite that trading in domain names for their generic value, without targeting any trademark, is a legitimate enterprise. The Respondent's history of adverse decisions under the Policy, although relevant to credibility and weight amongst other things, does not change this; each case should be decided on its own merits, and the merits in this case do not point to cybersquatting.

The Panel finds the third element of the Policy has not been established.

E. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute RDNH. [WIPO Overview 3.0](#), section 4.16.

In pre-Complaint correspondence, the Complainant was informed by the Respondent's attorney that the Respondent had owned the disputed domain name since 1998 and that the domain was registered over a decade prior to the Complainant's founding. Despite being informed accordingly, and despite there being nothing in the record, or in the public domain for that matter, that points to a transfer of the disputed domain name to the Respondent after the Complainant's founding in 2019, the Complainant proceeded with its Complaint regardless. The Complainant also did not withdraw its Complaint when it was presented with credible evidence showing ownership of the disputed domain name in the hands of the Respondent since at least 2013. In fact, in its Supplemental Filing the Complainant admits that the Respondent's evidence shows ownership of the disputed domain name by the Respondent since 2014, five years prior to the Complainant's founding in 2019. The Complainant's persistence with its Complaint whilst simultaneously admitting that is at best reckless, at worst male fide.

Given the generic nature of "cassy", the fact that the Complainant has not been able to prove any reputation in its mark, the fact that Internet and trademark searches for "cassy" reveal many other unrelated offerings, and given that there is no direct evidence of targeting of the Complainant, it should have at least been clear to the Complainant, who is represented by counsel, that the disputed domain name had not been used to target it, as required for a finding of bad faith under the Policy. It is accepted that complainants represented by counsel should be held to a higher standard. [WIPO Overview 3.0](#), section 4.16.

The Complainant referred to its 2024 approaches to the Respondent, via the Respondent's brokers, but the Complainant neglected to reveal its earlier, similar approaches made in August 2020, which the Respondent pointed to in its Response. The Complainant has not explained why it did not reveal these earlier approaches, nor why it waited four years before making further approaches and filing the Complaint. The Complainant's intentions in this regard are perhaps betrayed by the following statement made in the Complaint: "For obvious reasons, company CASSY wished to acquire the domain name cassy.com."

These are all recognized factors pointing to RDNH. [WIPO Overview 3.0](#), section 4.16.

In the circumstances, at best for the Complainant the filing of the Complaint was reckless, at worst it was intended as an alternative means of acquiring the disputed domain name after commercial negotiations (initiated by the Complainant) had failed. Both eventualities are reproachable.

The Panel finds that the Complaint was brought in bad faith in an attempt at RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: March 13, 2025