

## **ADMINISTRATIVE PANEL DECISION**

Jacquemus SAS v. LuXiangPing, YanSong  
Case No. D2025-0522

### **1. The Parties**

The Complainant is Jacquemus SAS, France, represented by Nameshield, France.

The Respondents are LuXiangPing and YanSong, China.

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

The disputed domain names <jacquemus-beauty.com> and <jacquemusbeauty.com> are registered with 22net, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 11 and February 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (NOT IDENTIFIED) and contact information in the Complaint.

The Center sent an email communication in Chinese and English to the Complainant on February 17, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint in English on February 18, 2025.

On February 17, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreements for the disputed domain names is Chinese. On February 18, 2025, the Complainant requested English to be the language of the proceeding. The Respondents did not submit any comment on the Complainant’s submission.

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 Respondents in Chinese and English of the Complaint, and the proceedings commenced on February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on March 19, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on March 27, 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 is a French company that manufactures and markets clothing and fashion accessories under the brand JACQUEMUS since 2013. The Complainant’s products are sold in 50 countries around the world and online through its website at “www.jacquemus.com”. The Complainant’s domain name <jacquemus.com> was registered on February 12, 2010.

The Complainant has registered JACQUEMUS as a trade mark in many territories around the world including the following:

- International Trade Mark Registration No. 1211398 for JACQUEMUS registered on February 5, 2014, designating inter alia China;
- French Trade Mark Registration No. 4057016 for JACQUEMUS registered on April 18, 2014; and
- European Union Trade Mark Registration No. 018080381 for JACQUEMUS registered on October 18, 2019.

(individually and collectively referred to as the “Trade Mark”)

The Complainant made an announcement of its intentions to expand its brand into beauty at the end of October 2024.

The Respondents who both appear to be based in China registered the disputed domain names on November 3, 2024. Both the disputed domain names resolve to pay-per-click (“PPC”) webpages with commercial links to third party websites. They are also both offered for sale on Sedo.com for a “Buy now” price of EUR 6,500 for <jacquemus-beauty.com> and EUR 6,800 for <jacquemusbeauty.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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Trade Mark in which it has rights, that the Respondents have no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and are being used in bad faith.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **A. Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes the following:

- (1) The two disputed domain names include the Trade Mark and the term "beauty" as part of them, which relates to the Complainant's intended new field of business, evidencing the targeting of the Complainant.
- (2) Both the disputed domain names were registered through the same Registrar on the same day at the same hour and minute.
- (3) Both the disputed domain names have the same registrant city, state/province, postal code, and country.
- (4) Both the disputed domain names resolve to PPC webpages with commercial links to third party websites (the "Websites"). They are also both offered for sale on Sedo.com for a "Buy now" price of EUR 6,500 for one and EUR 6,800 for the other.

It appears to be an unlikely coincidence that two disputed domain names comprising the Trade Mark and the term "beauty" were registered on the same day at the same hour and minute with the same Registrar by the registrants in the same city, state/province, and country with the same postal code unless they are related especially when both resolve to PPC webpages and are offered for sale on the same website for the similar prices.

The Respondents both failed to file a response.

The evidence submitted points to the fact that the disputed domain names are most likely subject to common control. The above pattern evidence common conduct based on the registration and use of the disputed domain names, and such conduct interferes with the Trade Mark. The Respondents had the opportunity but did not respond to the Complaint. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## **B. Language of the Proceeding**

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following main reasons:

- The disputed domain names are formed by terms in Roman characters but not Chinese script;
- English is the most widely used language in international relations and is one of the working languages of the Center;
- For the Complainant to proceed in Chinese, it would incur the extra costs of translation which is likely to be more than the overall costs of the proceeding and therefore defeat the objective of the cost structure of such proceedings.

The Respondent has not challenged the Complainant's language request and in fact has failed to file a response in either Chinese or English despite being duly notified by the Center in both Chinese and English of the language of the proceeding and of the commencement of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **C. Identical or Confusingly Similar**

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

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

The entirety of the Trade Mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the term "beauty" after the Trade Mark in the disputed domain names may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain names and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

#### **D. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Moreover, the nature of the disputed domain names is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent must have been aware of the Trade Mark when it registered the disputed domain names given the reputation of the Trade Mark and the fact that the Trade Mark was registered well before the registration of the disputed domain names. Further, the Panel notes that the disputed domain names fully incorporate the Trade Mark and the term “beauty” several days after the Complainant made an announcement of its intentions to expand its JACQUEMUS brand into beauty, indicating that the Respondent had actual knowledge of and was targeting the Complainant and the Trade Mark when registering the disputed domain names.

[WIPO Overview 3.0](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent’s claim not to have been aware of the complainant’s mark.”

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent’s choice of the disputed domain names without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain names fall into the category stated above and the Panel finds that the registration is in bad faith.

The disputed domain names are also being used in bad faith.

The Websites are PPC sites which have been set up for the commercial benefit of the Respondent. It is highly likely that Internet users when typing the disputed domain names into their browser or finding them through a search engine would have been looking for sites operated by the Complainant rather than the Respondent. The disputed domain names are likely to confuse Internet users trying to find the Complainant's website. Such confusion will inevitably result due to the fact that the disputed domain names comprise the Complainant's distinctive Trade Mark.

The Respondent employs the reputation of the Trade Mark to mislead Internet users into visiting the Respondent's Websites instead of the Complainant's website. From the above, the Panel concludes that the Respondent has intentionally attempted to attract for commercial gain, by misleading Internet users into believing that the Respondent's Websites are those of or authorised or endorsed by the Complainant.

The Panel therefore finds that the disputed domain names have been registered and are being used in bad faith under paragraph 4(b)(iv) of the Policy.

Further, the disputed domain names are being offered for sale by the Respondent on a domain name marketplace for a sum which well exceeds the costs directly related to the registration of the disputed domain names. This is evidence that the Respondent has registered and used the disputed domain names primarily for the purpose of selling as set out in paragraph 4(b)(i) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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 names <jacquemus-beauty.com> and <jacquemusbeauty.com> be transferred to the Complainant.

*/Karen Fong/*

**Karen Fong**

Sole Panelist

Date: April 21, 2025