

ADMINISTRATIVE PANEL DECISION

ARSENE v. QINGRU WU

Case No. D2025-1698

1. The Parties

The Complainant is ARSENE, France, represented by CLEACH AVOCATS, France.

The Respondent is QINGRU WU, China.

2. The Domain Name and Registrar

The disputed domain name <arsene.net> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2025. On April 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 28, 2025, 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 (Domain Administrator, See Privacyguardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 2025, 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 May 6, 2025.

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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on June 6, 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, ARSENE, is a French law firm, specialising in customs and tax law. Pursuant to a trademark license agreement of December 31, 2004, amended on January 17, 2019, the Complainant is authorised to use the name ARSENE as company name and granted a non-exclusive license to use inter alia the following trademarks, owned by SOCIETE CIVILE PHOENIX, a French company:

- **ARSENE**, United Kingdom trademark, registered under No. UK00918004249 on May 17, 2019 in classes 35, 36, and 45;

- **Arsène**, French trademark, registered under No. 3263433 on March 2, 2007 in classes 35, 36, and 45;

- **ARSENE**, European Union trademark, registered under No. 018004249 on May 17, 2019 in classes 35, 36, and 45.

The Complainant is represented in the present proceedings by the trademark representative of SOCIETE CIVILE PHOENIX. Prior to the contract amendment of January 17, 2019, the Complainant was the exclusive licensee of the French ARSENE trademark, authorised to launch infringement proceedings if the licensor did not launch proceedings within 30 days after being notified by the Complainant. With the amendment, the Complainant became a non-exclusive licensee of the ARSENE trademarks and the explicit authorisation to launch infringement proceedings was removed from the license agreement.

The Disputed Domain Name is registered since June 17, 2024. The Disputed Domain Name redirects to a webpage where it is offered for sale for USD 1,450.

On February 20, 2025, the Complainant informed its licensor, SOCIETE CIVILE PHOENIX, about its intention to launch administrative actions to defend the intellectual property rights related to the ARSENE trademarks, absent a response by the licensor.

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 incorporates the ARSENE trademark in its entirety and is therefore identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant further claims that the Respondent has no legitimate interests in respect of the Disputed Domain Name as:

- the Complainant has no relationship whatsoever with the Respondent and has never authorized the Respondent to use any of its domain names or any of the ARSENE trademarks
- the Disputed Domain Name has been registered long after the prior rights of the Complainant in the ARSENE trademarks;

- the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name, by listing it for sale for USD1,450.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- the Respondent registered or acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name;
- the Respondent uses a privacy service to conceal its identity;
- the Respondent was involved in numerous prior UDRP proceedings, thereby establishing a pattern of conduct that demonstrates the Respondent's bad faith and its intent to exploit third-party trademark rights for its own benefit.

B. Respondent

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

6. Discussion and Findings

A. 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel observes that the Complainant is a non-exclusive trademark licensee, who is authorised to use the registered ARSENE trademarks and to use ARSENE as a company name. Absent clear authorisation from the trademark owner, a non-exclusive trademark licensee would typically not have standing to file a UDRP complaint. [WIPO Overview 3.0](#), section 1.4. Previous panels have held that, without the trademark owners' consent or awareness of a complaint, a non-exclusive licensee is unable to show that it has the power to have assigned and to hold a domain name which is confusingly similar to a trademark belonging to the licensor. *NA PALI SAS v. BWI Domains, Domain Manager*, WIPO Case No. [D2008-1859](#).

In the instant case, the Complainant has informed the trademark owner about the intended action and requested that trademark owner respond within 30 days, giving the trademark owner an opportunity to object. The Panel also observes that (i) the Complainant is represented in the present proceedings by the licensor's registered trademark representative, (ii) the domain name <arsene.fr> is registered in the Complainant's name, and (iii) the Complainant is entitled to use the ARSENE sign as its company name. Therefore, the Panel considers that the trademark owner implicitly consented to the Complainant's filing of the Complaint. Accordingly, 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.

B. 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. 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 Name such as those enumerated in the Policy or otherwise.

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

C. 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:

- offers no explanation for its choice of the Disputed Domain Name, which is identical to the Complainant’s licensor’s trademark;
- offers the Disputed Domain Name for sale for USD 1,450, which is an amount likely in excess of the Respondent’s out-of-pocket costs and slightly less than the costs for bringing the Complaint;
- has engaged in a pattern of registering domain names identical or confusingly similar to trademarks and offering them for sale at the exact same price, as shown by previous UDRP cases (the majority of which involved the trademarks of well-known French or Dutch companies).

On the balance of probabilities, the Panel considers that the price at which the Respondent offers the Disputed Domain Name is not coincidental, but targeted at having the trademark owner (or licensee) buy the Disputed Domain Name rather than launching a UDRP complaint. In combination with a pattern of similar domain name registrations and in view of the absence of a response, the Panel finds that the Complainant has established the third element 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 <arsene.net> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: June 20, 2025