

ADMINISTRATIVE PANEL DECISION

Paris Equity v. Jewella Privacy LLC Privacy ID# 10429922
Case No. D2025-3741

1. The Parties

The Complainant is Paris Equity, France, internally represented.

The Respondent is Jewella Privacy LLC Privacy ID# 10429922, United States of America.

2. The Domain Name and Registrar

The disputed domain name <novaria.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 September 15, 2025. On September 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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. On September 23, 2025, in accordance with the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), Paragraph 4(d), the Center notified the Complainant of the formal deficiencies with the Complaint. The Complainant filed amended Complaints on September 25 and 26, 2025.

The Center verified that the Complaint together with the amended Complaints satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 21, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 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 simplified joint stock company registered in France.

The Complainant is the owner of the following trademark registrations:

- French trademark registration number 4995292 for a figurative trademark NOVARIA, registered on January 19, 2024 in International Classes 38 and 42; and

- French trademark registration number 5011975 for a figurative trademark NOVARIA.COM, registered on March 29, 2024.

The Complainant submits that it was the registrant of the disputed domain name from 2002 until September 13, 2024, when it inadvertently allowed it to expire. It provides evidence that the Respondent registered the disputed domain name on or before December 22, 2024.

The disputed domain name does not appear to have resolved to any active website. The Complainant submits that it has redirected either to a blank page or to a registrar parking page.

5. Parties' Contentions

A. Complainant

The Complainant submits that its trademark registrations pre-date the Respondent's acquisition of the disputed domain name, and that the disputed domain name is identical to those trademarks.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent has made no use of the disputed domain name since its registration.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It states that the Respondent registered the disputed domain name after 22 years of unbroken ownership by the Complainant. It adds that the Respondent has failed to respond to several good faith offers to purchase the disputed domain name, and exhibits an offer of EUR 1,500 made on July 5, 2025 and follow-up correspondence.

The Complainant contends that the Respondent hiding behind a privacy service, linked to its failure to reply to correspondence, further evidences its bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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 that it is the owner of registered trademark rights in the mark NOVARIA. While the Complainant's trademark is figurative, the disputed domain name is identical to the textual component of that mark.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The fact that the Respondent has made no active use of the disputed domain name gives rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. While the Respondent had the opportunity to reply to the Complainant's contentions, it has not done so, and has not therefore submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

The Panel therefore finds that the Respondent has not shown rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

In order to establish the third element under the Policy, it is incumbent upon the Complainant to demonstrate that the Respondent both registered and has used the disputed domain name in circumstances where it knew, or ought to have known, of the Complainant's trademark, and has sought to take unfair advantage of the Complainant's trademark rights.

In this proceeding, the Complainant has made no submissions, nor exhibited any evidence, to the effect that the Respondent was, or ought to have been, aware of its NOVARIA trademark. It relies solely upon its prior registration of the disputed domain name and its 2024 trademark registrations, which are not in themselves sufficient to establish the Respondent's likely awareness of the mark: it is well established in previous cases under the UDRP that (save in certain specific cases which have no application in this proceeding) the concept of "constructive notice" of a trademark is inapplicable under the Policy.

In this case, the Complainant provides no information whatsoever concerning the nature of its business or of its trading profile or history in connection with the NOVARIA trademark. It offers no evidence as to its use of that mark in commerce, whether before or after it obtained its relevant registrations, or of any public recognition of reputation connected to that trademark. The fact that the Complainant apparently owned the disputed domain name for 22 years before allowing it to expire is insufficient by itself to establish the Respondent's likely awareness of its trademark or business in circumstances where it offers no evidence of, e.g., any website or any other public-facing activity relating to the mark.

Furthermore, a Google search conducted by the Panel against the term “novaria”¹ did not return any results relating to the Complainant, but did return results relating to an aerospace and defence company of that name, a video game character, and the ancient name for the city of Novara in Piedmont, Italy.

There is no evidence, therefore, that the Complainant’s NOVARIA trademark is recognized by the public, whether uniquely or at all, as designating the Complainant as the source of origin of any goods or services that may be provided under that mark. In the circumstances, there is no basis upon which the Panel is able to infer that the Respondent registered or has used the disputed domain name with knowledge of the Complainant’s NOVARIA trademark and with the intention of taking unfair advantage of any rights that the Complainant may have in that trademark.

Additionally, although the Complainant was the immediate previous registrant of the disputed domain name, which means that the Respondent was objectively aware that the previous owner may have trademark rights notwithstanding the lapse of the disputed domain name, the Panel considers that the Complainant has failed to establish that the Respondent has registered the disputed domain name because its value necessarily derives from the Complainant’s mark. See *Supermac’s (Holdings) Limited v. Domain Administrator, DomainMarket.com*, WIPO Case No. [D2018-0540](#).

Concerning the Respondent’s non-use or passive holding of the disputed domain name, this does not of itself establish registration and use of the disputed domain name in bad faith, but must be assessed against the following factors: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. ²

In this proceeding, the Panel finds both that the Complainant has failed to provide any evidence of the distinctiveness and/or reputation of its trademark, and that independent good-faith use of the disputed domain name by a party other than the Complainant is not implausible in all the circumstances of the case. Against those findings, the Panel does not find the Respondent’s failure to file a Response, its omission to respond to the Complainant’s communications, or its use of a privacy or proxy service to be determinative factors.

The Panel therefore finds that the Complainant has failed to establish that the disputed domain name was registered and has been used in bad faith.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: November 10, 2025

¹ As discussed in section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

² See section 3.3 of [WIPO Overview 3.0](#).