

## **ADMINISTRATIVE PANEL DECISION**

AMTD Group Inc. v. Luxury Village LLC

Case No. DAU2025-0008

### **1. The Parties**

The Complainant is AMTD Group Inc., British Virgin Islands, United Kingdom, represented by Clifford Chance, S.L., Hong Kong, China.

The Respondent is Luxury Village LLC, Australia, self-represented.

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

The disputed domain name <lofficiel.au> is registered with Web Address Registration Pty Ltd.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2025. On the following day, the Center transmitted by email to Web Address Registration Pty Ltd a request for registrar verification in connection with the disputed domain name. On February 18, 2025, Web Address Registration Pty Ltd transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 February 20, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was March 17, 2025. The Response was filed with the Center on March 17, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on April 2, 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 the global distributor of the French fashion and lifestyle magazine “L’Officiel” (meaning “the Official”). Local editions of the magazine are distributed by licensed publishers in different countries. The Complainant holds trademark registrations in multiple jurisdictions, including the following:

- European Union trademark registration number 018846952 for L’OFFICIEL, registered on August 5, 2023, specifying goods and services in classes 9, 16, 35, and 41;
- International trademark registration number 1749350 for L’OFFICIEL, registered on July 5, 2023, designating multiple jurisdictions, including Australia, and specifying goods and services in classes 9, 16, 35, and 41;
- European Union trademark registration number 018847144 for L’OFFICIEL AMTD IDEA and device (in which L’OFFICIEL is shown in Didot font), registered on August 5, 2023, specifying goods and services in classes 9, 16, 35, and 41; and
- International trademark registration number 1753643 for L’OFFICIEL AMTD IDEA and device (in which L’OFFICIEL is shown in Didot font), registered on July 5, 2023, designating multiple jurisdictions, including Australia, and specifying goods and services in classes 9, 16, 35, and 41.

The above registrations are current but protection of the marks that are the subject of the International registrations has not been extended yet in Australia, where corresponding trademark applications numbers 2386505 and 2393886 are pending at the time of this Decision.

The digital version of L’Officiel magazine is available at a website associated with the domain name <lofficiel.com>. The Complainant’s L’OFFICIEL AMTD IDEA and device mark is the magazine’s title.<sup>1</sup> The local editions of the magazine are available at websites in different languages associated with domain names incorporating “lofficiel” and a geographic reference, such as <lofficielusa.com> and <lofficiel.co.uk>.

The Complainant states that it acquired a company named Les Editions Jalou in 2022, which was the operating company of a publishing group that formerly published and distributed various fashion and luxury magazines, including L’Officiel magazine, since 1921.

The Respondent was incorporated in 2018. Dmitri Vorontsov is its director, one of its shareholders, and its contact person. The Respondent holds multiple trademark registrations, including the following:

- Monaco trademark registration number 20.00547 for LOFFICIELAU, registered on December 21, 2020, specifying goods and services in classes 9, 16, 35, 38, 41, 42, and 45;
- Australian trademark registration number 2138136 for LOFFICIELAU, registered on July 2, 2021, specifying services in class 38;
- Monaco trademark registration number 20.00338 for a semi-figurative L’OFFICIEL FASHION BOOK mark (in Didot font), registered on August 28, 2020, specifying goods and services in classes 9, 16, 35, 38, 41, 42, and 45; and
- European Union trademark registration number 018449691 for a semi-figurative L’OFFICIEL FASHION BOOK mark (in Didot font), registered on August 14, 2021, specifying goods and services in classes 9, 16, 35, 38, 41, 42, and 45.

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<sup>1</sup>The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has accessed the website associated with the Complainant’s domain name <lofficiel.com> to verify the Complainant’s submission regarding the digital version of its magazine. The Panel considers this process of verification useful in assessing the case merits and reaching a decision.

The above trademark registrations are current. The Respondent also filed Monaco trademark application number 36471 for a semi-figurative L'OFFICIEL mark on October 29, 2020, but this did not proceed to registration due to objections from the Government of Monaco on the grounds that the mark was not distinctive and was misleading. The Respondent also filed Australian trademark application number 2289204 for a semi-figurative L'OFFICIEL FASHION BOOK mark (in Didot font) on July 27, 2022, but that application was opposed by the Complainant and Les Editions Jalou on January 22, 2024, and remains pending at the time of this Decision.

The disputed domain name was registered on October 21, 2022. It resolves to a website offering fashion and lifestyle content. The website prominently displays the semi-figurative L'OFFICIEL FASHION BOOK mark with the addition of the word "Australia", all in Didot font. The homepage displays the tagline "Welcome to Australia" and the words "L'Officiel Australia" are superimposed on many photographs on the site. The site displays links to social media accounts variously named "L'OfficielAustralia", "lofficielau" and "L'Officiel Fashion Book".

According to information provided by the Complainant, Mr. Vorontsov was previously a director of two Australian companies, Cielo Publishing Pty Ltd ("Cielo") and Perpetual Eight Group Pty Ltd ("Perpetual Eight"), that entered into exclusive license and distribution agreements with Les Editions Jalou in 2014 and 2016, respectively, to publish and distribute an authorized Australian edition of L'Officiel magazine, including at a website and other online locations. The 2016 agreement specified that the website was associated with the domain name <lofficiel.com.au>. The agreements were executed on behalf of Cielo and Perpetual Eight by Mr. Vorontsov. On November 23, 2016, and November 28, 2016, Les Editions Jalou issued letters of demand to Cielo and Perpetual Eight, respectively, claiming licensing fees. Perpetual Eight was deregistered on July 7, 2019, and Cielo was deregistered on February 18, 2021.

According to information provided by the Complainant, Mr. Vorontsov was found by a UDRP panel to have registered and been using the domain name <lofficielmontecarlo.com> in bad faith. See *Les Editions Jalou v. D V*, WIPO Case No. [D2022-4663](#).

According to information provided by the Respondent, another UDRP panel denied a complaint filed by Les Editions Jalou against a former licensee concerning the domain name <lofficielarabia.com>. See *Les Editions Jalou v. Sidharth Saigal and Chalk Media FZE*, WIPO Case No. [D2023-1430](#).

On July 29, 2024, Les Editions Jalou and the Complainant obtained an order by default from the Hong Kong Court of First Instance allowing them to enter judgement against the Respondent and Mr. Vorontsov for, among other things: infringement of the copyright of Les Editions Jalou and the Complainant in an artistic work consisting of "L'Officiel" in Didot font; infringement of the Hong Kong, China trademark registrations of Les Editions Jalou for L'OFFICIEL DE LA COUTURE ET DE LA MODE DE PARIS and L'OFFICIEL HOMMES; carrying on business, passing off services, and publishing advertising under the name or mark L'OFFICIEL or any name or mark confusingly similar to the L'Officiel name or registered trademarks of Les Editions Jalou; and operating a website at domain names such as <lofficiel.com.hk>, <lofficiel.au>, <lofficielaustralia.com>, <lofficiel.com.au>, and <lofficielmontecarlo.com>. The registration of these domain names was to be relinquished by the Respondent and Mr. Vorontsov or assigned by them to either Les Editions Jalou or the Complainant. In addition, the court order declared invalid Hong Kong, China trademark registration number 305518378AA for a semi-figurative L'OFFICIEL FASHION BOOK mark, registered in the name of the Respondent. As far as the record of the present proceeding shows, no appeal was filed and the court order is final.

## **5. Parties' Contentions**

### **A. Complainant**

The disputed domain name is confusingly similar to the Complainant's L'OFFICIEL marks.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the Complainant's marks or to apply for or use any domain names incorporating them. Mr. Vorontsov and the Respondent ceased to have any legitimate rights to distribute and publish "L'Officiel" magazine or to use the L'OFFICIEL marks since the earlier of the termination of the licensing agreements with Perpetual Eight and Cielo or the deregistration of those companies.

The disputed domain name was registered in bad faith. Given the Complainant's longstanding reputation internationally and the previous commercial relationship between Mr. Vorontsov and Les Editions Jalou, it is implausible that the Respondent was not aware that it is not the rightful owner of the L'OFFICIEL marks. Mr. Vorontsov controlled the former licensees of Les Editions Jalou, i.e., Perpetual Eight and Cielo.

It is highly probable that the Respondent acquired branding guidelines for an archetypical L'OFFICIEL mark designed by Les Editions Jalou (including the font) under the previous licensing arrangement, enabling it to replicate and reproduce the logo displayed on the website associated with the disputed domain name. The Respondent and Mr. Vorontsov have participated in prior administrative and legal actions brought by Les Editions Jalou and the Complainant.

By using the disputed domain name and exploiting the Complainant's L'OFFICIEL marks on the associated website to offer the same type of content related to fashion, culture and beauty in direct competition with the magazine published under the Complainant's marks, the Respondent has created a likelihood of confusion as to the source, sponsorship, affiliation or endorsement between the Complainant's marks and the website or the content on such website. Consequently, the Respondent is passing itself off as the Complainant or giving the impression that it has been licensed or otherwise approved by the Complainant to publish under the trade name "L'Officiel".

The Complainant seeks an order that the disputed domain name be cancelled.

## **B. Respondent**

The Respondent submits that the Complainant is deliberately trying to mislead the Panel with this baseless claim. The Respondent owns an Australian trademark registration for LOFFICIELAU and has also filed an Australian trademark application for L'OFFICIEL FASHION BOOK in consideration of its registrations of that mark in Monaco and the European Union. The Respondent has seniority in the European Union register as regards the name "L'Officiel". Les Editions Jalou forfeited its trademark rights globally; its trademark registrations for L'OFFICIEL DE LA COUTURE ET DE LA MODE DE PARIS expired in the European Union in 2020 and in Australia in 2021, which the Complainant failed to disclose. The magazine of the same name has ceased to exist and the new owners have no relation to the historic magazine. The term "L'Officiel" was used exclusively in the context of that expired trademark.

The Respondent submits that "L'Officiel" is a generic and descriptive term in French meaning "the official". While "l'Officiel" may be trademarked by specific entities, as in L'OFFICIEL FASHION BOOK, the word remains a common term. "L'Officiel" may not be protected as a trademark with exclusive rights within specific industries (e.g., media, fashion, or publishing) due to its descriptive nature. The new owners of the magazine are attempting to rebrand but the term is generic. The Response cites at length a judgment of the High Court of Australia in *Burger King Corporation v Registrar of Trade Marks* [1973] HCA 15 regarding distinctive and descriptive terms. The Government of Monaco confirmed in a trademark examination report that no private company can exclusively register or claim the term "L'Officiel" as a trademark. For this reason, the Respondent did not oppose the trademark application for L'OFFICIEL in the European Union. The word is used in various combinations in at least 512 trademarks, some expired, which are unrelated to the Complainant.

The Respondent's trademark is in Didot font, which is widely used in logos and trademarks by prominent brands. The Complainant filed trademark infringement claims with Meta that temporarily disrupted the Respondent's Instagram and Facebook accounts, as well as its YouTube channel. However, after submitting evidence of its trademark rights, all services to the Respondent were restored.

Since beginning operations under the trademark L'OFFICIEL FASHION BOOK in 2020, the Respondent has photographed and interviewed 40 high-profile celebrities. The Respondent has clarified to all parties that it has no affiliation with the Complainant's magazines in France or the United States. The Respondent is an independent entity. The Respondent has built a strong reputation by working with respected freelancers and consistently acting in good faith. A review of the L'Officiel Fashion Book Australia YouTube channel shows several dozen celebrities endorsing the brand, stating they were photographed for L'Officiel Fashion Book Australia, with their representatives present on set during the photoshoots.

A UDRP panel denied a complaint filed by Les Editions Jalou against a former licensee in circumstances such as those in the present proceeding. See *Les Editions Jalou v. Sidharth Saigal and Chalk Media FZE*, *supra*. The Response also refers to other legal proceedings involving Les Editions Jalou that do not concern trademark rights.

## **6. Discussion and Findings**

### **6.1 Preliminary Issues**

#### **A. Prior Court Order**

The Complainant submits a copy of an order of the Hong Kong Court of First Instance dated July 29, 2024, that provides *inter alia* for an injunction to restrain the Respondent from operating a website at the disputed domain name. However, as regards the disputed domain name, the court order is based on trademarks that are (i) different from those at issue in the present auDRP proceeding, and (ii) held by Les Editions Jalou, which is not a party to this proceeding. As far as the rights of the Complainant are concerned, the court order appears to be limited to copyright. Accordingly, the Panel finds the court order of little relevance to this dispute. In any case, it is not the role of an auDRP panel to implement court decisions.

#### **B. Pending Administrative Proceeding**

The Respondent's Australian trademark application number 2289204 is subject to an opposition proceeding at the time of this Decision. The Respondent provides a copy of an email from IP Australia confirming that the Complainant and Les Editions Jalou have requested a hearing of their opposition, and providing an estimate of when the hearing may be scheduled.

The Respondent submits that no additional claims or legal actions may be pursued by either Party until a final determination is rendered in that pending dispute and, given that this dispute is currently under adjudication by the competent authority, any attempt to advance parallel claims or seek additional remedies is legally impermissible and procedurally defective.

The Panel notes that the opposition proceeding before IP Australia is an administrative proceeding concerning a trademark application, not a legal proceeding in relation to the disputed domain name. Further, the eventual outcome of that opposition proceeding will not alter the status of the Respondent's Australian trademark application at the time of this Decision, which is pending, or the outcome of this dispute. Therefore, the Panel will proceed to consideration of the present dispute.

### **C. Complainant's Request to Submit a Further Statement**

On April 4, 2025, the Complainant sent an email communication to the Center, requesting an opportunity to submit within 7 days of the Panel's direction a further statement in reply to the Response. On April 7, 2025, the Respondent opposed the Complainant's request.

Paragraph 12 of the Rules provides that "[i]n addition to the complaint and the response, the Panel may request or permit, in its sole discretion, further statements or documents from either of the Parties". At the same time, paragraph 10(b) and (c) of the Rules require the Panel to ensure that "each Party is given a fair opportunity to present its case" and that "the administrative proceeding takes place with due expedition". The purpose of the Policy is to provide a simple, inexpensive, and quick administrative procedure for dealing with domain name entitlement disputes. Accordingly, the Panel will only permit the supplemental filing in exceptional circumstances, such as new facts, newly available evidence, or a material allegation in the Response that could not reasonably have been anticipated at the time of the Complaint.

The Panel notes that the Complainant did not provide any reason for its request. Nothing indicates that any exceptional circumstances are present that would warrant a further statement or that the Complainant has not been given a fair opportunity to present its case already. Further, the Complainant only submitted its request after the appointment of the Panel and envisaged additional days to submit a further statement, which would create an unwarranted delay in the administrative proceeding.

Therefore, on April 9, 2025, the Center on behalf of the Panel sent an email communication to the Parties denying the Complainant's request to submit a further statement.

### **6.2 Substantive Issues**

Paragraph 4(a) of the auDRP provides that a complainant must prove each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a name, 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 or subsequently used in bad faith.

The burden of proof of each element is borne by the Complainant.

#### **A. Identical or Confusingly Similar**

The Complainant has shown that it has current, registered rights in the L'OFFICIEL mark. The Panel has taken note that the Complainant's trademark registrations for that mark were granted in foreign jurisdictions and considers them sufficient to demonstrate rights for the purposes of paragraph 4(a) of the auDRP. See, for example, *Marshmallow Skins, Inc. v. Piipiinoo Australia Pty Limited*, WIPO Case No. [DAU2013-0015](#). It is also sufficient for the purposes of the first element of the auDRP that the Complainant held those rights at the time when it filed the Complaint, as is the case here. The fact that the Complainant obtained its registrations of the mark after the Respondent registered the disputed domain name may be taken into account under the other elements of the auDRP below.

The disputed domain name wholly incorporates the L'OFFICIEL mark, omitting only the apostrophe, which cannot be reflected in a domain name. The only additional element in the disputed domain name is the country code Top-Level Domain ("ccTLD") extension for Australia (".au") which, as a standard requirement of domain name registration, may be disregarded for the purposes of assessing confusing similarity under the first element of the Policy.

Therefore, the Panel finds that the Complainant has satisfied the first element.

## B. Rights or Legitimate Interests

Paragraph 4(c) of the auDRP sets out circumstances which, without limitation, if found by the Panel to be proven based on its evaluation of all evidence presented, shall demonstrate that the Respondent has rights to, or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the auDRP:

- (i) before any notice to [the respondent] of the subject matter of the dispute, [the respondent's] bona fide use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with an offering of goods or services (not being the offering of domain names that [the respondent has] acquired for the purpose of selling, renting or otherwise transferring); or
- (ii) [the respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the respondent has] acquired no trademark or service mark rights; or
- (iii) [the respondent is] making a legitimate non-commercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent uses the disputed domain name in connection with a commercial website titled "L'Officiel Fashion Book Australia". The disputed domain name combines the Complainant's L'OFFICIEL mark (minus the apostrophe) and the ccTLD extension for Australia (".au"). The title of the website incorporates the Complainant's L'OFFICIEL mark in Didot font, as does the title of the Complainant's L'Officiel magazine, and adds other words, including "Australia". The Respondent's website offers fashion and luxury content, as does the Complainant's L'Officiel magazine.

Despite the inclusion in the title of the descriptive words "fashion book", the disputed domain name and associated website give the impression that the Respondent's website is the digital version of an authorized Australian edition of L'Officiel magazine.

However, the Complainant submits that it has not authorized, licensed, or otherwise permitted the Respondent to use the Complainant's marks or to apply for or use any domain names incorporating them. The Complainant also shows that there were two prior licensing agreements to publish an Australian edition of L'Officiel magazine but neither was entered into with the Respondent (i.e., Luxury Village LLC).

These circumstances do not indicate that the Respondent is making a bona fide use of the disputed domain name in connection with an offering of goods or services. Nor is it making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent's name is "Luxury Village LLC" and its contact person's name is "Dmitri Vorontsov", neither of which resembles the disputed domain name. The Respondent's magazine title is not the disputed domain name. Nothing on the record indicates that the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name.

The Respondent holds certain trademark registrations. The Panel considers that a respondent's trademark registration corresponding to a disputed domain name will normally support a finding that it has rights or legitimate interests in the disputed domain name, provided that the registration is bona fide. See, for example, *Linhope International Limited and Original Beauty Technology Company Limited v. Jianqing Ltd.* (Company No. 12282015), WIPO Case No. [DAU2021-0013](#). However, trademark rights would not confer rights or legitimate interests on a respondent for the purposes of the Policy where, for example, the respondent chose its trademark to create confusion with a complainant's website or products or primarily to circumvent the application of the auDRP. See, for example, *American Future Technology Corp. v. Rex Hall*, WIPO Case No. [DAU2009-0007](#).

In the present case, the Respondent's LOFFICIELAU trademark corresponds to the disputed domain name. The Respondent filed its applications for this mark in November 2020, and obtained registration in Monaco in

2020 and in Australia in 2021. Although there was a gap of almost two years between the filing dates of the trademark applications and the registration of the disputed domain name in 2022, it was not possible to register domain names directly before the “.au” ccTLD extension until 2022. At the time when the Respondent filed its trademark applications for LOFFICIELAU, it was well aware of L’Officiel magazine because the Respondent’s director, Mr. Vorontsov, had previously executed two licensing agreements with Les Editions Jalou to publish and distribute an authorized Australian edition of L’Officiel magazine. Schedule I of the later licensing agreement listed Les Editions Jalou’s trademarks covering the title. The Respondent was also well aware that local editions of L’Officiel magazine are published on websites incorporating “lofficiel” and a geographic reference, such as <lofficiel.com.au>. Given the composition of the LOFFICIELAU mark, which includes a ccTLD extension (minus the dot), the Respondent appears to have registered this mark specifically with the naming pattern of domain names for local editions of L’Officiel magazine in mind. Yet the Respondent (i.e., Luxury Villages LLC) never held a licensee to publish L’Officiel magazine because Mr. Vorontsov executed licensing agreements on behalf of other companies, one of which (Perpetual Eight) had been deregistered before the Respondent filed its trademark applications, and the other of which (Cielo) was deregistered soon after. In these circumstances, the Respondent was clearly aware of the significant potential for confusion with L’Officiel magazine that would arise from the adoption and use of its LOFFICIELAU mark in a domain name associated with an unlicensed Australian edition of L’Officiel magazine.

The Respondent also holds registrations for semi-figurative L’OFFICIEL FASHION BOOK trademarks which, (combined with the country name “Australia”) correspond to the title of the Respondent’s website but do not correspond to the disputed domain name. Even though “L’OFFICIEL” is shown in one version of the mark in considerably larger font than “FASHION BOOK”, the disputed domain name omits the latter words and adds the letters “au” instead. At the time when the Respondent filed its trademark applications for these marks in 2020, it was well aware of L’Officiel magazine, the trademarks covering the title at that time, and the various editions of that magazine. The L’OFFICIEL FASHION BOOK mark is in Didot font, like the title of L’Officiel magazine. The Respondent was never a licensee of the magazine publisher and was clearly aware of the significant potential for confusion that would arise from the adoption and use of its L’OFFICIEL FASHION BOOK mark in the title of a website for an unlicensed edition of L’Officiel magazine.

The Respondent holds other trademarks that do not correspond to the disputed domain name either.

In view of the above circumstances, the Panel does not consider that the Respondent’s trademark registrations confer rights or legitimate interests in respect of the disputed domain name for the purposes of the auDRP.

The Respondent notes that the mark L’OFFICIEL consists of a French dictionary word meaning “official” preceded by the definite article. However, that circumstance does not create a right or legitimate interest in the disputed domain name because the Respondent does not use it in any sense related to its dictionary meaning, which is to say, the Respondent’s magazine, website and content do not appear to have any official status.

Based on the record, the Panel finds that the Complainant has satisfied the second element.

### **C. Registered or Subsequently Used in Bad Faith**

Paragraph 4(b) of the auDRP provides that certain circumstances, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith, although it is not an exhaustive list of such circumstances. The fourth circumstance is as follows:

“(iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location.”



The disputed domain name was registered in 2022, before the Complainant obtained the earliest registration of its L'OFFICIEL trademarks in 2023 or even filed its applications for them. Nothing on the record indicates that the Respondent had any prior knowledge of the Complainant's plans to acquire rights in its trademarks. Although the Complainant states that in 2022 it acquired the longtime publisher of L'Officiel magazine (i.e., Les Editions Jalou), that company is not a party to this proceeding and no further information is provided regarding its relationship with the Complainant. Accordingly, the Panel is not able to find that the Respondent had the Complainant or its trademarks in mind at the time when it registered the disputed domain name. However, that is not fatal to the Complaint as the requirements in the third element of paragraph 4(a) of the auDRP apply disjunctively, meaning that it is sufficient for the Complainant to show either that the disputed domain name has been registered in bad faith or that it has been subsequently used in bad faith, but not necessarily both.

As regards subsequent use, the disputed domain name incorporates the Complainant's L'OFFICIEL mark and the associated website gives the false impression that it is the digital version of an authorized Australian edition of L'Officiel magazine. The Respondent's director, Mr. Vorontsov, has been associated with two companies that were formerly licensed to publish an authorized Australian edition of that magazine but both companies have been deregistered. For this reason, even though the Respondent has never been licensed to publish a local version of L'Officiel magazine, it is well aware of that magazine.

The Respondent argues that the historic magazine published by Les Editions Jalou has ceased to exist. The Panel takes note that the 2016 licensing agreement shows that the magazine title at that time was protected by marks for L'OFFICIEL DE LA COUTURE ET DE LA MODE DE PARIS (meaning "The Paris High Fashion and Fashion Official Gazette"). The Respondent points out that Les Editions Jalou's Australian trademark registrations for that mark (numbers 1429738 and 1429739) expired in 2021, and that the corresponding European Union trademark registration (number 838449) expired in 2014. However, it would be inaccurate to find that the term "L'Officiel" was used exclusively in the context of those expired trademarks because the magazine title was and remains dominated by L'OFFICIEL in Didot font, with all other textual elements in tiny print. Further, the digital version of the magazine is still published at a website associated with the domain name <lofficiel.com>. Given that the Respondent is a publisher in the same fashion and luxury magazine market as the Complainant, not to mention that it purports to publish a local edition of a L'Officiel title, there is every reason to believe that the Respondent has been aware of the new owner of L'Officiel magazine and its title (which is now the L'OFFICIEL AMTD IDEA and device mark), at least since the Complainant acquired Les Editions Jalou.

The disputed domain name incorporates the Complainant's L'OFFICIEL mark (minus the apostrophe). The title of the associated website incorporates L'OFFICIEL (in Didot font) as its initial element, like the Complainant's L'OFFICIEL AMTD IDEA and device mark. The Respondent's website offers fashion and luxury content, as does the Complainant's L'Officiel magazine. This all gives the false impression that the Respondent's website is the digital version of an authorized Australian edition of "L'Officiel" magazine affiliated with the Complainant or its L'Officiel magazine. This use is intentional and for commercial gain within the terms of paragraph 4(b)(iv) of the auDRP.

The Respondent refers to the decision of a UDRP panel concerning the domain name <lofficielarabia.com>. However, the circumstances of that case are not similar to those in the present case. First, the respondents in that case had been licensed by Les Editions Jalou to produce a foreign edition of L'Officiel magazine, whereas the Respondent in the present case (i.e., Luxury Village LLC) never received a license. Second, the parties in that prior case disputed whether the license had been terminated whereas the former licensees in the present case (Cielo and Perpetual Eight) have been deregistered. Third, Les Editions Jalou had acquiesced in the registration and use of the domain name at issue in that prior case, whereas they did not with respect to the disputed domain name in the present case. See *Les Editions Jalou v. Sidharth Saigal and Chalk Media FZE*, supra.

Therefore, the Panel finds that the Complainant has satisfied the third element.

## 7. Decision

For all the foregoing reasons, in accordance with Paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <lofficiel.au> be transferred to the Complainant.

*/Matthew Kennedy/*  
**Matthew Kennedy**  
Sole Panelist  
Date: April 16, 2025