

ADMINISTRATIVE PANEL DECISION

Marie Claire Album SAS v. Denis Bernard

Case No. D2026-1243

1. The Parties

The Complainant is Marie Claire Album SAS, France, represented by Denнемeyer & Associates SAS, France.

The Respondent is Denis Bernard, Netherlands (Kingdom of the) (“the Netherlands”).

2. The Domain Name and Registrar

The disputed domain name <marie-claire.amsterdam> (the “Disputed Domain Name”) is registered with Metaregistrar BV (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 23, 2026. On March 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 25, 2026, 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 (Unknown, Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2026, 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 March 30, 2026.

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 April 2, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was April 22, 2026. On April 17, 2026, the Center extended this due date to April 26, 2026, following a request by the Respondent. The Response was filed with the Center on April 25, 2026. The Respondent sent email communications to the Center on April 23 and 30, 2026.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on May 5, 2025, paragraph 7.

4. Factual Background

The Complainant owns a broad trademark portfolio for the MARIE CLAIRE mark. This includes, but is not limited to:

- MARIE CLAIRE, International word mark registered under No. 1757972 dated June 16, 2023, covering various territories including the European Union, and covering goods and services in classes 9, 16, 35, 38, and 41.

Marie Claire is a women's magazine and lifestyle media brand. The first issue of the Marie Claire was published in France in 1937, and it has now nearly 30 editions worldwide.

The Disputed Domain Name was registered on February 23, 2026. According to the Complainant's evidence, the Disputed Domain Name resolved to a registrar parking page. The Disputed Domain Name currently redirects to the domain name <hemlab.nl>, which resolves to a website offering science and other activities for kids near Amsterdam, Zaandam and Noord-Holland in the Netherlands.

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 is confusingly similar to registered trademarks in which it has rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. In summary, according to the Complainant:

- the Respondent has no connection of any kind with the Complainant, has never been authorized to use the MARIE CLAIRE trademark, and holds no independent rights in that name;
- nothing indicates that the Respondent is commonly known by the name "Marie Claire", or that it operates any legitimate business, activity, or project under that name;
- the Respondent cannot rely on any claim of bona fide use, as no genuine offering of goods or services is presented. Nor can the Respondent assert any form of non-commercial or fair use: the Respondent has not used the Disputed Domain Name transparently, independently, or in a manner that would avoid confusion. Instead, the Respondent has registered a domain name identical to a famous trademark and has left it inactive behind a generic commercial landing page, a pattern fundamentally incompatible with any notion of legitimate interest;
- the only reasonable interpretation is that the Respondent registered the Disputed Domain Name to exploit, appropriate, or otherwise benefit from the Complainant's identity.

Finally, the Complainant considers that the Disputed Domain Name was registered and being used in bad faith. In summary, the Complainant contends that:

- at the time of registration, the Respondent could not reasonably have been unaware of the Complainant or its trademark rights. MARIE CLAIRE is an internationally recognized brand with longstanding activities and strong visibility in the Netherlands and Europe;

- the registration and use of the Disputed Domain Name are clearly intended to attract Internet users for commercial gain by creating confusion as to source, sponsorship, affiliation, or endorsement. The Respondent's actions also disrupt the Complainant's business by preventing it from using its own trademark under a geographically meaningful domain extension and by diverting traffic intended for the Complainant's official channels. Given the worldwide fame of the MARIE CLAIRE trademark, the deliberate reproduction of the mark in full, the misleading association with ".amsterdam", the thematic imitation of the Complainant's editorial universe on the website to which the Disputed Domain Name previously resolved, the passive holding of the Disputed Domain Name behind a commercial placeholder page, and the absence of any credible explanation for the Respondent's conduct, there is no conceivable good-faith use the Respondent could make of the Disputed Domain Name. Any use of such a domain name would inevitably mislead consumers into believing it is operated, endorsed, or authorized by the Complainant.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Disputed Domain Name.

According to the Respondent, the Disputed Domain Name is not confusingly similar to the Complainant's trademark MARIE CLAIRE, as this trademark is not reproduced identically.

The Respondent states that it registered the Disputed Domain Name on behalf of a third party named Marie-Claire . In the Respondent's view, this third party has a right in respect of the Disputed Domain Name based on her personal name. The purpose is to transfer the Disputed Domain Name to her as soon as the corresponding web site has been built and hosted.

According to the Respondent, the Disputed Domain Name is to be used to promote the projects of the third party, including a lab offering science and tech activities for kids which she started in 2017. The Respondent claims that there is no comparison nor confusion between the business of the Complainant and the tech & science educational lab activities.

The Respondent further claims that the Disputed Domain Name has been registered in good faith and in connection with a bona fide offering of services. According to the Respondent, it is accused of bad faith with as only "proof" a reference to another website from China, which is not linked to the Disputed Domain Name.

6. Discussion and Findings

6.1. Preliminary procedural issue: Language of the Proceeding

The language of the registration agreement for the Disputed Domain Name is Dutch. 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 initial Complaint was filed in English. The Amended Complaint was filed in Dutch, but the Respondent requested that the language of the proceeding be English for several reasons, including the fact that:

- this would make it easy for everyone;
- the Respondent would like its arguments to be well understood;
- there are inaccuracies in the Complaint's translation to Dutch.

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. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1.

The Panel does not see a reason to deny the Respondent's request. The Panel accepts the Amended Complaint as filed in Dutch, but finds that proceeding in English would not be unfair to the Complainant given its filing of the initial Complaint in English.

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.

6.2. Substantive elements of the Policy

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 3.1](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel observes that the entirety of the MARIE CLAIRE mark is reproduced within the Disputed Domain Name, without any addition but a hyphen between the two terms. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.1](#), section 1.7.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".amsterdam", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.1](#), section 1.11.

The Panel finds that 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 a respondent may demonstrate rights or legitimate interests in a disputed domain name. These circumstances include being commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights. Absent genuine trademark or service mark rights, evidence showing that a respondent is commonly known by the domain name may include a government-issued ID. [WIPO Overview 3.1](#), section 2.2. The use of one's own first name in a domain name corresponds to a legitimate customary practice and is, as a rule, sufficient evidence of a legitimate right or interest in a disputed domain name. See *Alessandro International GmbH v. Alessandro Gualandi*, WIPO Case No. [D2014-2111](#) and the case law cited in this decision.

In the present case, the Respondent asserts rights in the name of a third party on behalf of which it claims to have registered the Disputed Domain Name. The Panel observes that the Response includes a signed statement from this third party, confirming that she asked her partner, being the Respondent, to register the Disputed Domain Name for her. The Respondent also produces a copy of her passport.

Contrary to what is stated in the Complaint, the Disputed Domain Name does not appear to have resolved to a website reproducing editorial themes directly aligned with the Complainant's core activities such as fashion, beauty, lifestyle, and culture, or adopted an overall presentation closely resembling that of the Complainant's official platforms. It seems that this argument relates to another domain name subject to a separate complaint. According to the Parties' evidence, the Disputed Domain Name resolved to a registrar parking page before redirecting to a website offering science and other activities for kids in the Amsterdam area. The Panel observes that this website mentions the name of the third party as a contact person and as one of the founders of the initiative.

The Panel finds the above to be credible indications of the Respondent's legitimate interest in the Disputed Domain Name. Even though the Respondent does not show to be commonly known by a name correspondent to the Disputed Domain Name, the Panel finds that there are sufficient indications of a link with the third party. Moreover, such link has not been disputed by the Complainant.

Therefore, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must prove that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

In this case the Panel does not need to consider or decide this issue, given its decision on the second element above and the fact that a successful complaint must establish all three elements under paragraph 4(a) of the Policy. For the sake of completeness, the Panel will nevertheless add the following.

The Panel finds that there is a lack of evidence of targeting the Complainant with the Disputed Domain Name. The Respondent gave a credible explanation of its choice for the name "Marie-Claire" and the gTLD ".amsterdam" when registering the Disputed Domain Name. The Panel is not convinced that the Respondent's aim in registering the Disputed Domain Name was to profit from or exploit the Complainant's trademark.

Moreover, at the time of writing the present decision, the Panel finds no evidence pointing to any bad faith use of the Disputed Domain Name. According to the Complainant's evidence, the Disputed Domain Name resolved to a registrar parking page, without any sponsored links or offer for sale. In the circumstances of the present case, the Panel finds that such passive holding of the Disputed Domain Name does not support a finding of bad faith.

In the Panel's view, the current website linked to the Disputed Domain Name does not indicate any bad faith use either as it refers to a project started by the Respondent's partner which is unrelated to the Complainant's business.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: May 19, 2026