

ADMINISTRATIVE PANEL DECISION

Episens by InVivo v. Thomas Hale, Mexatech
Case No. D2026-1717

1. The Parties

The Complainant is Episens by InVivo, France, represented by Fidal, France.

The Respondent is Thomas Hale, Mexatech, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <episens-fr.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2026. On April 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 amendment to the Complaint on April 24, 2026.

The Center verified that the Complaint together with the amendment to the 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 20, 2026.

The Center appointed Andrea Cappai as the sole panelist in this matter on June 11, 2026. 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. The record indicates that the Complainant forms part of the InVivo group.

The Complainant operates in the agri-food sector. The materials in the record refer in particular to activities connected with food products, bakery-related goods and services, and related commercial and technical services.

The Complainant is the owner of the following trademark registrations relied upon in the record:

- EPISENS – France – registration number 4909970 – registration date June 9, 2023;
- EPISENS (figurative) – France – registration number 4922913 – registration date July 28, 2023;
- EPISENS – European Union – registration number 018890379 – registration date January 26, 2024;
- EPISENS (figurative) – European Union – registration number 018890358 – registration date January 12, 2024

The Complainant also owns the domain name <episens.fr>, registered on July 3, 2021, which the record indicates redirects to a website presenting the group's activities.

The disputed domain name was registered on February 19, 2026.

The record does not show that the disputed domain name resolved to an active website. The evidence submitted by the Complainant shows, however, that email addresses using the disputed domain name were used in correspondence purporting to come from individuals presented as employees of the Complainant. Those communications concerned alleged overdue invoices, revised banking details, and payment confirmation. The record also contains a communication from a commercial recipient drawing attention to the additional “-fr.com” element and warning that the relevant emails appeared to be fake. The Complainant reported the matter to the Registrar, which subsequently informed the Complainant that the reported account had been suspended.

The Respondent is purportedly an individual based in the United States. No further information is available.

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 its EPISENS trademark because it reproduces that mark in its entirety, with only the addition of the geographical abbreviation “-fr” and the generic Top-Level Domain (“gTLD”) “.com”, neither of which prevents a finding of confusing similarity. The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent is not authorised to use the Complainant's mark, is not commonly known by the disputed domain name, has made no bona fide offering of goods or services, and has instead used the disputed domain name for email communications impersonating the Complainant's personnel. The Complainant finally contends that the disputed domain name was registered and used in bad faith, asserting that the Respondent necessarily knew of the Complainant and its EPISENS mark when registering a disputed domain name closely resembling the Complainant's own domain name <episens.fr>, and that the subsequent email use of the disputed domain name for payment-related communications and

altered banking details demonstrates deliberate targeting of the Complainant for an illegitimate commercial purpose.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, such as an abbreviation for "France", namely "-fr", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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 Complainant states that it has not authorised, licensed, or otherwise permitted the Respondent to use the EPISENS mark, whether in the disputed domain name or otherwise. There is no evidence in the record that the Respondent has been commonly known by the disputed domain name. Nor is there any evidence

that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The composition of the disputed domain name is also relevant. It consists of the Complainant's EPISENS mark followed by the element "-fr", which is apt to suggest a French or local version of the Complainant's online presence. In the circumstances of this case, such composition carries a risk of implied affiliation and does not support any claim to fair use. [WIPO Overview 3.1](#), section 2.5.1.

More importantly, the record shows that email addresses using the disputed domain name were used in communications purporting to originate from individuals presented as employees of the Complainant and concerning payment instructions and revised banking details.

Panels have held that the use of a domain name for illegal activity, here claimed phishing and identity theft, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 registered the disputed domain name long after the Complainant had registered the domain name <episens.fr> and after the Complainant had obtained registered trademark rights in EPISENS.

The disputed domain name wholly incorporates the EPISENS mark and adds the element "-fr". The Panel considers that the choice of that element is not incidental in the present circumstances. It is capable of being understood as a reference to France, and it also brings the disputed domain name close to the Complainant's own domain name <episens.fr>. The resulting impression is of a disputed domain name selected to resemble the Complainant's online identity.

That inference is reinforced by the use made of the disputed domain name. The evidence shows that email addresses using the disputed domain name were used in correspondence purporting to come from individuals presented as employees of the Complainant. The emails concerned overdue invoices, banking details, and payment confirmation. The record further shows that a commercial recipient identified the additional "-fr.com" element and warned that the relevant emails appeared to be fake. In the Panel's view, these materials support a finding that the disputed domain name was registered and used with knowledge of the Complainant and for the purpose of impersonating the Complainant in payment-related communications.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here claimed phishing and identity theft, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <episens-fr.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: June 25, 2026