ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION

EPSE Joueclub Entente des Professionnels Spécialistes de L'enfant v. Elodie Morand, informatique_joueclub.fr
Case No. D2026-3422

## 1. The Parties

The Complainant is EPSE Joueclub Entente des Professionnels Spécialistes de L'enfant, France, represented by CMC Avocats, France.

The Respondent is Elodie Morand, informatique_joueclub.fr, France.

## 2. The Domain Name and Registrar

The disputed domain name <informatique-joueclub-fr.com> is registered with Squarespace Domains II LLC (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 31, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing further contact details. The Center sent an email communication to the Complainant on August 5, 2026, confirming the registrant and contact information disclosed by the Registrar as well as providing the additional registrant information as provided by the Registrar.

The Center verified that 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 August 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 28, 2026.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on September 2, 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 cooperative of toy retailers created in 1952.

The Complainant is the owner of several JOUECLUB trade marks including the following:

- French Trade Mark JOUECLUB No. 1227507 registered on February 15, 1983; and
- European Union Trade Mark JOUÉCLUB No. 013790779 registered on October 22, 2015.

The Complainant is also the registrant of several domain names reflecting its trade marks including <joueclub.fr>, registered on September 11, 1997, <joueclub.com>, registered on December 10, 2001, and <informatique-joueclub.fr>, registered on February 2, 2023.

The disputed domain name was registered on June 25, 2026. The disputed domain name does not resolve to any active website and triggers an error message.

## 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 JOUECLUB trade mark.

The Complainant asserts that the Respondent has no right in relation to the disputed domain name including no license, no authorization from the Complainant and no affiliation with the Complainant. The Complainant points to the absence of use of the disputed domain name to conclude that the disputed domain name is not, and has never been, used in connection with the offering of goods or services, nor for noncommercial purposes.

The Complainant submits that the Respondent must have known of the Complainant and its trade mark at the time of registration given that the JOUECLUB trade mark corresponds to a fanciful term, in use for several decades and benefiting from a strong reputation. The Complainant considers that the current passive holding of the disputed domain name is, in light of the present circumstances, indicative of bad faith on the part of the Respondent.

### 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 trade mark 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 trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the JOUECLUB trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the JOUECLUB trade mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "informatique" and "fr", and hyphens may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Panel notes that the disputed domain name is passively held and in the absence of a Response and in light of the Complainant's longstanding use of its JOUECLUB trade mark, the Panel finds that there is no indication that the Respondent could rely on the existence of a right or legitimate interest in relation to the disputed domain name.

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 finds that the Respondent must have been aware of the Complainant and its JOUECLUB trade mark given that (i) the disputed domain name reproduces the exact JOUECLUB trade mark, (ii) the JOUECLUB trade mark is fanciful and distinctive, (iii) the JOUECLUB trade mark significantly predates the registration of the disputed domain name, by over forty (40) years, and (iv) the fact that the disputed domain name is almost identical to the Complainant's domain name <informatique-joueclub.fr>.

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 found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trade mark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <informatique-joueclub-fr.com> be transferred to the Complainant.

*/Vincent Denoyelle/*
**Vincent Denoyelle**
Sole Panelist
Date: September 18, 2026