

ADMINISTRATIVE PANEL DECISION

Chanel, Inc. v. xing yun li, lixing yun
Case No. D2022-3024

1. The Parties

The Complainant is Chanel, Inc., United States of America (“United States”), represented by SILKA AB, Sweden.

The Respondent is xing yun li, lixing yun, China.

2. The Domain Name and Registrar

The disputed domain name <vintage-chanel-bags.com> is registered with CNOBIN Information Technology Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 17, 2022. On August 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 2022, 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 August 19, 2022, 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 August 23, 2022.

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 August 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 29, 2022.

The Center appointed Douglas Clark as the sole panelist in this matter on October 4, 2022. 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 subsidiary of the Chanel group, which is focused on the development and manufacture of luxury products. The Complainant operates its business worldwide and offers a broad range of high-end creations, including ready-to-wear, bags, leather goods, and watches.

The Complainant is the owner of several trade mark registrations for CHANEL, including the following:

Trade Mark	Trade Mark No.	Registration Date	Class	Jurisdiction
CHANEL (word mark)	195360	February 24, 1925	3	United States
CHANEL	302690	April 25, 1933	3	United States
CHANEL	626035	May 01, 1956	18	United States
CHANEL (word mark)	915139	June 15, 1971	25	United States
CHANEL (word mark)	1079438	December 13, 1977	25	United States

The Complainant's parent company is the owner of several trade mark registrations for CHANEL, including the following:

Trade Mark	Trade Mark No.	Registration Date	Class	Jurisdiction
CHANEL (word mark)	201151	June 15, 1957	01, 02, 05, 14, 16, 17, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34	International (including China)
CHANEL (word mark)	318753	August 11, 1966	01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16, 17, 19, 21, 22, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42	International (including China)
CHANEL (word mark)	546534	November 17, 1989	25	International (including China)
CHANEL (word mark)	1190042	July 8, 2013	01, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35,	International (including China)

			36, 37, 38, 39, 40, 41, 42, 43, 44, 45	
	1431822	May 24, 2018	03, 09, 14, 18, 25	International (including China)

The Complainant was between 2013 and 2018 the owner of the disputed domain name.

The disputed domain name was registered by the Respondent on December 8, 2021. At the date of this Complaint and at the date of this Decision, the disputed domain name resolved to a webpage containing pornographic material.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

(a) The disputed domain name is confusingly similar to its trade mark. The disputed domain name is almost identical to the Complainant's trade mark in full along with the addition of words "vintage" and "bags". The use of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name does not dispel confusing similarity between the disputed domain name and the trade mark;

(b) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way and the Complainant has never granted any authorization or license to use the Complainant's trade mark. The Respondent is not commonly known by the disputed domain name, and has not made a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name; and

(c) The disputed domain name was registered and are being used in bad faith. The mere fact that the Respondent has registered the disputed domain name incorporating the trade mark of a well-known company gives rise to an inference of bad faith. The pornographic materials on the website the disputed domain name resolves to tarnish the Complainant's trade mark. The Respondent registered and is using the disputed domain name to attract Internet users for commercial gain, creating a likelihood of confusion with the Complainant's trade mark.

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

The Complainant must satisfy all three elements of paragraph 4(a) of the Policy in order to succeed in its action:

(i) the disputed domain name is identical or confusingly similar to a trade 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 Panel finds that the disputed domain name is confusingly similar to the Complainant's trade mark. The disputed domain name incorporates the Complainant's CHANEL trade mark along with the words "vintage" and "bags". These words do not prevent a finding of confusing similarity, as the trade mark CHANEL remains recognizable in the disputed domain name. The gTLD ".com" is generally disregarded when considering the first element.

The Panel finds that the Complainant has therefore satisfied the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Respondent has not asserted any rights or legitimate interests in relation to the disputed domain name.

Section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) provides:

"While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Complainant has asserted that the Respondent has no business with and is in no way affiliated with the Complainant. The Respondent is not authorized nor licensed to use the Complainant's CHANEL trade mark or to apply for registration of the disputed domain name. There is no evidence that the Respondent has used or is planning to use the CHANEL trade mark or the disputed domain name for a *bona fide* offering of goods and services. In addition, the Respondent has not responded to any of the Complainant's contentions. Moreover, the nature of the disputed domain name, incorporating the Complainant's well-known trade mark with words affiliated with the Complainant's industry, carries a risk of implied affiliation (see section 2.5.1 of [WIPO Overview 3.0](#)). In this regard, the Panel notes the Complainant has provided evidence that it was a previous registrant of the dispute domain name. The Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests, which has not been rebutted by the Respondent. Accordingly, the Respondent has no rights or legitimate interests in regard to the disputed domain name.

The Panel finds that the Complainant has therefore satisfied the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Based on the given evidence, the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered long after the Complainant has registered the CHANEL trade mark. The CHANEL trade mark is used by the Complainant to conduct its business and the Complainant has used the trade mark for its luxury products for over 97 years. The Panel is satisfied that the Respondent was aware of the Complainant and its CHANEL trade mark when he or she registered the disputed domain name. It appears to the Panel that the Respondent has registered the disputed domain name to attract Internet users to the website for commercial gain in accordance with paragraph 4(b)(iv) of the Policy.

The current advertisements for pornography and pornographic material on the website that the disputed domain name resolves to establish the Respondent is likely making a commercial gain from the website by attracting users to generate click through revenue. Further, the pornographic materials on the website tarnish the CHANEL trade mark. This has been found in previous UDRP cases to constitute evidence of registration and use of a domain name in bad faith. (See [WIPO Overview 3.0](#), section 3.12)

For the above reasons, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Complainant has therefore satisfied the third element under paragraph 4(a) 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, <vintage-chanel-bags.com>, be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: October 18, 2022