

ADMINISTRATIVE PANEL DECISION

Administration et Gestion Société Anonyme / Holding Benjamin Et Edmond De Rothschild, Pregny Société Anonyme v. Brittney Mickel
Case No. D2022-5035

1. The Parties

The Complainants are Administration et Gestion Société Anonyme, Switzerland (the “First Complainant”) and Holding Benjamin Et Edmond De Rothschild, Pregny Société Anonyme, Switzerland (the “Second Complainant”), represented by OX Avocats, France.

The Respondent is Brittney Mickel, United States of America (“United States”).

2. The Domain Names and Registrars

The disputed domain names <arianederotschild.co>, <arianederotschilded.com>, <arianederotschildgroup.com> and <arianederotschild.org> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 30, 2022. On January 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 4, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 6, 2023 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 January 11, 2023. 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 January 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2023. The Respondent did not submit any

response. Accordingly, the Center notified the Respondent's default on February 10, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on February 23, 2023. 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 First Complainant is the owner of the French trademark registration No. 4372809 for the word mark "ARIANE DE ROTHSCHILD", registered on October 20, 2017, in class 31.

The Second Complainant is the owner of, amongst others, the French trademark registration No. 3701735 for the word mark "EDMOND DE ROTHSCHILD", registered on June 4, 2010, in classes 35, 36, 38 and 41.

The disputed domain name <arianederothschild.co> (the "first disputed domain name") was registered on October 1, 2022. The first disputed domain name presently resolves to the webpage available at <arianederothschild.org> (the "fourth disputed domain name"), a webpage purportedly maintained by the Baroness Ariane De Rothschild, claiming to offer "private wealth management" services.

The disputed domain name <arianederothschilded.com> (the "second disputed domain name") was registered on October 9, 2022. The second disputed domain name also redirects Internet users to the webpage available at the fourth disputed domain name.

The disputed domain name <arianederothschildgroup.com> (the "third disputed domain name") was registered on October 9, 2022. The third disputed domain name redirects Internet users to the webpage available at <rothschildx.com> through which the Respondent claims to offer venture capital services with Ariane de Rothschild.

The fourth disputed domain name (<arianederothschild.org>) was registered on October 1, 2022. The fourth disputed domain name presently resolves to a webpage purportedly maintained by the Baroness Ariane De Rothschild, claiming to offer "private wealth management" services.

5. Parties' Contentions

A. Complainant

According to the Complainants, Edmond de Rothschild created the bank "ROTHSCHILD FRERES" with his two brothers, having built his reputation by playing a major role in the return of the Jewish people to Palestine and the creation of the State of Israel. Also according to the Complainants, in 1953, Edmond de Rothschild's grandson, which went by the same name, created the "COMPAGNIE FINANCIERE", an investment company that became an international banking group known as "LCF ROTHSCHILD", being the group now called "EDMOND DE ROTHSCHILD" and Ariane de Rothschild its current chairwoman of the board and majority owner.

The Complainants assert that the Respondent's goal is to benefit from the reputation of the Rothschild dynasty and notably Ariane de Rothschild's recognition in the financial sector to attract more Internet users to the websites available at the disputed domain names, which all incorporate the "ARIANE DE ROTHSCHILD" trademark with the mere additions of "ed" or "group" in the second and third disputed domain names.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainants argue that:

- i) there is no relationship between the Respondent and the Complainants;
- ii) Neither "Ariane de Rothschild" or "Rothschild" alone are descriptive terms and the Complainants have not licensed or otherwise permitted the Respondent to use the "Rothschild" name or trademark or to register a domain name incorporating any of them;
- iii) the Respondent is not related in any manner whatsoever to the Complainants;
- iv) the Complainants have not found any evidence that the Respondent has been commonly known by the disputed domain names; and
- v) the Respondent is using the disputed domain names to attract Internet users who will associate them with the Complainants' businesses and reputation and therefore assume some connection between the Complainants and the disputed domain names when there is none, thus the Respondent is not making any legitimate noncommercial or fair use of the disputed domain names without intending to gain a commercial advantage.

As to the registration and use of the disputed domain names in bad faith, the Complainants assert that the websites available at the disputed domain names offer to subscribe to a newsletter by providing an email address or to book an appointment, also indicating a false telephone number to reach Ariane de Rothschild, thus clearly seeking to legitimize the websites through allegations of links with the Rothschild family, notably Ariane de Rothschild, presenting the Respondent herself as Ariane de Rothschild's "best friend" and a business angel that can offer financial support and advice, what consist an unauthorized and abusive use of the trademark and name "Ariane de Rothschild" to offer financial services to Internet users and does not constitute a *bona fide* use of the disputed domain names.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainants:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainants must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

A. Identical or Confusingly Similar

The Complainants have established rights over the ARIANE DE ROTHSCHILD trademark duly registered.

The Panel finds that all of the disputed domain names reproduce the First Complainant's trademark in its entirety. The addition of the "ed" or "group", in the second and third disputed domain names does not prevent a finding of confusing similarity under the Policy which, as recognized by past UDRP panels,

involves a “side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name” (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7).

For the reasons above, the Panel finds that the disputed domain names are confusingly similar to the Complainants’ trademark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate the Respondents’ rights or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainants to make a *prima facie* case against the Respondent.

In that sense, the Panel notes that the Complainants have made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names, indeed stating that there is no relationship between the Respondent and the Complainants; and that neither “Ariane de Rothschild” or “Rothschild” alone have been licensed or otherwise permitted the Respondent to use the “Rothschild” name or trademark or to register a domain name incorporating any of them; not being the Respondent related in any manner whatsoever to the Complainants.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain names or the absence of any trademarks registered by the Respondent corresponding to the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.

Moreover, according to the evidence submitted by the Complainants, the use made of the disputed domain names in connection with websites either purporting to impersonate Ariane de Rothschild to offer private wealth management services or presenting the Respondent as Ariane de Rothschild’s “best friend” and a business angel offering financial support and advice, clearly does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain names.

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of a disputed domain name, where a respondent has intentionally attempted to attract, for commercial gain,

Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, both the registration and use of the disputed domain names in bad faith can be found pursuant to Policy, paragraph 4(b)(iv), in view of the impersonation of Ariane de Rothschild to offer private wealth management services or the false indication of the Respondent as Ariane de Rothschild's "best friend" and a business angel offering financial support and advice via the disputed domain names.

Other indications of the Respondent's bad faith lie in the indication of what appear to be false contact information, the Center has been unable to fully deliver Written Notice to it.

For the reasons above, the Panel finds that the Respondent has registered and is using the disputed domain names in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The third element of the Policy has therefore been met.

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 names <arianederothschild.co>, <arianederothschilded.com>, <arianederothschildgroup.com> and <arianederothschild.org> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: March 7, 2023