

## **ADMINISTRATIVE PANEL DECISION**

Interparfums Suisse Sàrl v. abdalla metwaly  
Case No. D2023-0805

### **1. The Parties**

The Complainant is Interparfums Suisse Sàrl, Switzerland, represented internally.

The Respondent is abdalla metwaly, Egypt.

### **2. The Domain Name and Registrar**

The disputed domain name <lanviin.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 22, 2023. On February 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 23, 2023, 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 (“NC”, Redacted for Privacy, Privacy service provided by Withheld for Privacy ) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On February 27, 2023, the Center received an informal communication from the Respondent. The Complainant filed an amendment to the Complaint on March 1, 2023.

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 March 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on March 30, 2023.

The Center appointed Zoltán Takács as the sole panelist in this matter on April 4, 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**

Founded by Jeanne Lanvin in 1889 and based in Paris, France, Maison Lanvin (“Lanvin”) is one of the oldest French couture house still in operation.

The Complainant purchased the Lanvin’s perfumes unit in 2007 and among others owns the European Union Trade mark No. 017911434 LANVIN, registered since October 18, 2023, and International Trademark Registration (“IR”) No. 352756 LANVIN (figurative), registered since January 24, 1969, for perfumes and beauty products. Among a considerable number of jurisdictions the IR designates Egypt, where the Respondent appears to be located.

The disputed domain name was registered on January 29, 2023, and has been resolving to a website promoting and offering for sale various jewelry items.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name reproduces its LANVIN trademark nearly entirely, and is therefore confusingly similar to it. The only difference between the disputed domain name and the Complainant’s trademark is that the Respondent added another letter “i” to the trademark, which constitutes typosquatting.

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy.

The Complainant claims that the Respondent’s use of the disputed domain name to direct Internet users to a website that offers for sale products similar or complementary to those bearing the LANVIN trademark is evidence of the Respondent’s bad faith. The Complainant further alleges the Respondent must have been aware of the reputation of its LANVIN trademark at the time of registration and chose to register it to unlawfully benefit from the goodwill attached to the trademark.

The Complainant requests that the disputed domain name be cancelled.

##### **B. Respondent**

On February 27, 2023, the Respondent transmitted the following message to the Center:

- “I just want to change my domain name to another name to match the content of my website”

Apart from this message, the Respondent did not reply to the Complainant’s contentions.

#### **6. Discussion and Findings**

Paragraph 15(a) of the Rules requires that the Panel’s decision be made “on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that;

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

Under paragraph 4(a)(i) of the Policy, there are two requirements which the Complainant must establish, first that it has rights in a trademark or service mark, and second that the disputed domain name is identical or confusingly similar to the trademark or service mark.

It has been a consensus view among previous UDRP panels that if the complainant owns a trademark, then it generally satisfies the threshold requirement of having trademark rights.

The Complainant produced evidence of having registered rights in the LANVIN trademark and the Panel finds that the IR No. 352756 satisfies the requirement of having trademark rights for the purpose of the Policy.

Having determined the presence of the Complainant's trademark rights, the Panel next assesses whether the disputed domain name <lanviin.com> is identical or confusingly similar to the Complainant's LANVIN trademark.

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

In view of the Panel, the Complainant's LANVIN trademark is readily recognizable in disputed domain name. The only difference between the Complainant's trademark and the disputed domain name is the Respondent's addition of another letter "i" to the trademark in the disputed domain name. The Panel considers this obvious misspelling of the Complainant's trademark a clear example of typosquatting.

According to section 1.9 of the [WIPO Overview 3.0](#), a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for the purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark.

According to section 1.11.1 of the [WIPO Overview 3.0](#), the applicable Top-Level Domain ("TLD") in a domain name (in this case ".com") is viewed as a standard registration requirement and as such is generally disregarded under the first element confusingly similar test.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant's trademark who has for that reason satisfied the requirement of paragraph 4(a)(i) of the Policy.

#### **B. Rights or Legitimate Interests**

Under paragraph 4(c) of the Policy, a respondent may demonstrate its rights or legitimate interests in a domain name by showing any of the following circumstances, in particular but without limitation:

- (i) before any notice of the dispute, its use of, or demonstrable preparation to use the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods and services;
- (ii) it has been commonly known by the domain name;
- (iii) it is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

According to section 2.1 of the [WIPO Overview 3.0](#), 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 the 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.

In the present case, the Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the LANVIN trademark.

There is no evidence that the Respondent is commonly known by the disputed domain name.

The Complainant has never authorized the Respondent to use its LANVIN trademark, in a domain name or otherwise.

The Respondent has been using the disputed domain name to divert Internet users presumably looking for the Complainant’s LANVIN trademark to its own website for commercial benefit, which is not *bona fide* and cannot be deemed legitimate for the purpose of the Policy.

The Respondent failed to respond to the Complainant’s contentions, and by doing so failed to offer the Panel any type of evidence set forth in paragraph 4(c) of the Policy, or otherwise counter the Complainant’s *prima facie* case.

The Panel finds, also noting the circumstances described below as regards bad faith, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy lists a number of factors which, if found by the panel to be present, shall be evidence of registration and use of a domain name in bad faith. This non-exclusive list includes:

- “(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

For the reasons discussed above the Panel considers the Respondent's obvious misspelling of the Complainant's trademark in the disputed domain name a clear example of typosquatting registration.

Previous UDRP panels have found typosquatting, "the intentional misspelling of words with intent to intercept and siphon off traffic from its intended destination, by preying on Internauts who make common typing errors inherently parasitic and of itself evidence of bad faith" (see *National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini*, WIPO Case No. [D2002-1011](#)).

The Respondent failed to submit a formal response to the Complaint and thus did not provide any explanation for registration of the disputed domain name or evidence of actual or contemplated good-faith use of the disputed domain name, which in the Panel's opinion supports inference of the Respondent's bad faith (see *Encyclopaedia Britannica, Inc. v. John Zuccarini and The Cupcake Patrol a/ka Country Walk a/k/a Cupcake Party*, WIPO Case No. [D2000-0330](#)).

The Panel cannot conceive of any possible justifiable reason for the Respondent's registration of a domain name that is constructed of the intentionally misspelled variant of the Complainant's LANVIN trademark and use of the disputed domain name for its website offering for sale fashion items complimentary to the Complainant's perfumes, unless there was an intention to create a likelihood of confusion between the disputed domain name and the Complainant's trademark and divert Internet users to its website for commercial benefit.

The Panel therefore finds that the Respondent has intentionally attempted to attract, for commercial gain Internet users to its websites (or websites under its control) by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of such sites or the services advertised on such sites, within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that paragraph 4(a)(iii) of the Policy is satisfied.

## **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 <lanviin.com> be cancelled.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: April 13, 2023