

ADMINISTRATIVE PANEL DECISION

Jacquemus SAS v. Zain Mustafa
Case No. D2024-0608

1. The Parties

The Complainant is Jacquemus SAS, France, represented by DBK Law Firm, France.

The Respondent is Zain Mustafa, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <jacquemus.llc> 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 8, 2024. On February 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 March 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2024.

The Center appointed Erick Iriarte as the sole panelist in this matter on March 28, 2024. 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 which manufactures and markets since 2013 clothing and fashion accessories under the trademark JACQUEMUS.

For the purpose of the Complaint, the Complainant relies in particular on the following trademark registrations:

- French trademark JACQUEMUS (word) No. 4057016 of April 18, 2014, in class 9, 18, 25;
- European Union trademark JACQUEMUS (word) No. 018080381 of October 18, 2019, in classes 14, 24, 28.
- International trademark JACQUEMUS (word) No. 1211398 of February 5, 2014, with effect in various jurisdictions including the European Union, in classes 9, 18, 25;
- International trademark JACQUEMUS (word) No. 1513829 of November 19, 2019, in classes 14, 24, 28.

Likewise, the Complainant owns the domain name <jacquemus.com>, registered in 2010.

The Complainant has also resorted to the UDRP and other policies in various cases (annex 15 of the Complaint) in relation to the use of the trademark JACQUEMUS (*Jacquemus SAS v. Contact Privacy Inc. Customer 1245862480 / Jacob Inch*, WIPO Case No. [D2019-3144](#) regarding the domain name <jacquemusjewelry.com>; *Jacquemus SAS v. Contact Privacy Inc. Customer 1245862480 / Jacob Inch*, WIPO Case No. [D2019-2765](#) regarding the domain name <jacquemusventesprivees.com>; *Jacquemus SAS v. wenben zhou*, WIPO Case No. [D2020-2073](#) regarding the domain name <fashionjacquemus.com>; *Jacquemus SAS v. Perklis Georgopoulos, The Project Garments*, WIPO Case No. [DEU2020-0024](#) regarding the domain name <jacquemus.eu>; *Jacquemus SAS v. Peng Li*, WIPO Case No. [D2021-3296](#) regarding <jacquemusbagshop.com> and <jacquemusbagstore.com>).

The disputed domain name was created on November 10, 2023, and the Respondent appears to be an individual based in Pakistan. At the time of the Decision, the website associated with the disputed domain name is not active, but the information provided by the Complainant shows that the disputed domain name resolved to an online shop, which featured “jacquemus” in the headline and which appear to sell the Complainant’s products at reduced prices.

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.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 3.0](#), 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 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 disputed domain name resolved to an online shop, which featured "jacquemus" in the headline and sold the Complainant's products at reduced prices. The Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Moreover, the Complainant alleges that the disputed domain name leads to a website reproducing its trademark and selling alleged counterfeit products. The Respondent did not reply to the Complainant's contentions. Panels have held that the use of a domain name for illegal activity here, claimed sale of counterfeit goods and phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The fact that currently the website associated with the disputed domain name is not active, does not prevent a finding of bad faith.

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 <jacquemus.llc> be transferred to the Complainant.

/Erick Iriarte/

Erick Iriarte

Sole Panelist

Date: April 11, 2024