

ADMINISTRATIVE PANEL DECISION

Les Grands Chais de France v. Registration Private, CATCHDADDY LLC
Case No. D2024-0670

1. The Parties

1.1 The Complainant is Les Grands Chais de France, France, represented by Romy Boesch, France.

1.2 The Respondent is Registration Private, CATCHDADDY LLC, United States of America ("United States").

2. The Domain Name and Registrar

2.1 The disputed domain name <jpchenetjpc.com> (the "Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 13, 2024. At that date the recorded registrant details for the Domain Name provided in response to a Whois search was "Super Privacy Service LTD c/o Dynadot". On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 15, 2024, the Registrar transmitted by email its verification response disclosing to the Center the registrant and contact information it held for the Domain Name. The Center sent an email communication to the Complainant on February 19, 2024, 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 February 20, 2024.

3.2 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").

3.3 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 15, 2024.

3.4 The Center appointed Matthew S. Harris as the sole panelist in this matter on March 21, 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

4.1 The Complainant is a French wholesale wine and spirits merchant founded in 1979. It describes itself as the leading private winemaker in France. It employs more than 3,000 people and annual turnover in 2018 was EUR 1,1 billion, 80% of which came from exports in more than 173 countries.

4.2 The Complainant describes as its “top product”, the wine brand JP. CHENET. This brand was launched in 1984, and comprises eight ranges of still wines, three ranges of sparkling wines and two ranges of “special wines” and is the bestselling French brand of wine worldwide. Since 2006, Complainant has signed agreements with several commercial wine groups or producers, located in China, California, Chile, United Kingdom or Germany and products under this brand are present throughout the world.

4.3 The Complainant is the owner of various registered trade marks that incorporate or comprise the name “J.P. Chenet”. They include:

(i) United States trade mark registration No. 5955697 dated August 16, 2019 for the standard character mark JP. CHENET, in respect of goods in class 33;

(ii) United States trade mark registration No. 2554420 dated March 7, 1995, in respect of goods in class 33 and which takes the following form:



(iii) European Union trade mark No 018088423 dated June 28, 2019, for the word mark J.P. CHENET in respect of goods in class 32.

4.4 The Complainant also uses the acronym “JPC”.

4.5 The Complainant has operated a website in respect of J.P. Chenet branded products from the domain name <jpchenet.com> since 2004.

4.6 The Domain Name was registered on December 5, 2023. When first detected by the Complainant, the Domain Name redirected internet users to the marketplace Dan.com where the Domain Name was offered for sale at a price of USD 2,850.

4.7 On January 17, 2024, the Complainant sent a letter to Dan.com complaining about the sale of the Domain Name on its website. As a result of that letter the Domain Name was removed from that platform.

4.8 On January 17, 2024, the Complainant also filed a “Domain Holder Contact Request” through a webform made available by the Registrar, giving as the reason for that request that the “Domain name or content is infringing on a trademark or violating local laws or regulations”. The Respondent did not respond to that request. Subsequently, the Domain Name redirected internet users to a Dynadot webpage on which the Domain Name was offered for sale for EUR 4,637.11.

5. Parties' Contentions

A. Complainant

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

5.2 In addition to setting out its business and marks and providing a description of how the Domain Name has been used since registration, it contends that by reason, inter alia, of the fame of its business and the form of the Domain Name, there is "little doubt" that the Respondent was aware of the Domain Name at the time the Domain Name was registered. It also contends that the use made of the Domain Name the Respondent is "[trying] to take financial advantage and benefit from [the] Complainant's famous trade [] mark."

5.3 The Complainant also contends that the Respondent registered the Domain Name through a privacy shield service to hide its identity and that this constitutes a further indication that the Domain Name has been registered in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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.

6.2 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.

6.3 The entirety of the Complainant's JP. CHENET and J.P. CHENET marks are reproduced within the Domain Name (particularly when one takes into account that spaces and the character "." cannot form part of the second level element of a domain name). Accordingly, the Domain Name is confusingly similar to those marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

6.4 The Panel further finds that the addition of the term "jpc" in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

6.5 The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

6.6 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.

6.7 In the present case the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Names.

6.8 However, dealing with the issue more directly, and for reasons that are set out in the context of its assessment of bad faith, the Panel is satisfied that the Domain Name deliberately impersonates the Complainant and its marks and that it is most likely that it has been registered and held by the Respondent with a view to sale to the Complainant or to a competitor of the Complainant at a price that exceeds the Respondent's costs of registration. There is no right or legitimate interest in such impersonation (see for example [WIPO Overview 3.0](#), section 2.5.1) or in seeking such a commercial gain, and the Panel is of the view that such impersonation and such activity provides positive evidence that no rights or legitimate interests exist.

6.9 Accordingly the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

6.10 The Panel is satisfied that the Domain Name has been registered and used by the Respondent with knowledge of the Complainant and its rights and with a view to impersonating the Complainant.

6.11 First, there is the form of the Domain Name itself. In the opinion of the Panel, and absent any evidence or argument to the contrary, the most sensible reading of the Domain Name is as the Complainant's JP. CHENET and J.P. CHENET marks combined with the term JPC used by the Complainant as an abbreviation of those marks. This, combined with the Complainant's evidence as to the fame and reputation of those marks around the world, means that the Panel is satisfied that this impersonation is deliberate on the part of the Respondent.

6.12 The Panel is also satisfied that the Respondent has most likely registered the Domain Name in order to sell the Domain Name to the Complainant, or possibly a competitor or the Complainant, at a profit. In this respect there is both the initial offer for sale of the Domain Name for USD 2,850 on the Dan.com market place and, even more tellingly when the Domain Name was removed from sale in response to a complaint from the Complainant, the relisting of the Domain Name for sale through Dynadot at an increased price of EUR 4,637.11.

6.13 Registering and holding a Domain Name that inherently and deliberately impersonates a trade mark holder involves registration and use in bad faith. The Respondent's activity in offering the Domain Name for sale also falls within the scope of paragraph 4(b)(i) of the Policy, which is one of the circumstances evidencing bad faith registration and use.

6.14 Further, the Panel also accepts that the Domain Name has been registered using a privacy shield and that in the circumstances of this case this provides a further indication that the Domain Name was registered in bad faith. The initial registration details available for the Domain Name (i.e. "Super Privacy Service LTD c/o Dynadot") can perhaps be explained by the operation of ICANN's Temporary Specification for gTLD Registration Data promulgated in response to the European Union's General Data Protection Regulation (which currently remains in effect by reason of ICANN's Registration Data Policy dated February 21, 2024). However, this does not justify the fact that the underlying registration data for the Domain Name disclosed in response to the Center's verification request, identified the Respondent as "Registration Private, CATCHDADDY LLC", which is clearly some other form of privacy service. This, therefore, appears to be a "Russian Doll" scenario of the type discussed in section 4.4.6 of the [WIPO Overview 3.0](#).

6.15 Accordingly the Panel finds the third element of the Policy has been established.

7. Decision

7.1 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 <jpchenetjpc.com> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: April 2, 2024