

ADMINISTRATIVE PANEL DECISION

Groupe LA FRANÇAISE v. Adam Robert
Case No. D2024-2044

1. The Parties

The Complainant is Groupe La Française, France, represented by ARDAN, France.

The Respondent is Adam Robert, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <inflectionpointcm.com> (the “Disputed Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 21, 2024, 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 (Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 May 27, 2024.

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 May 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 21, 2024.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on June 27, 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, Groupe La Française, is a French company operating mainly in asset management.

The Complainant is the owner of several trademarks, including the following:

- INFLECTION POINT CAPITAL, French word mark registered under No. 4078682 on March 25, 2014, in classes 35 and 36;
- European Union figurative trademark registered under No. 017815267 on June 13, 2018, in classes 35 and 36:



The Complainant is owned by an English company, INFLECTION POINT BY LA FRANÇAISE LIMITED. This company was incorporated to formalize the partnership with the company Inflection Point Capital Management. According to the Complainant's evidence, Inflection Point Capital Management operated the Disputed Domain Name until February 2023.

The Disputed Domain Name was created on January 2, 2010. According to the Complainant's evidence, in November 2023 the Disputed Domain Name appeared to resolve to a website purporting to be linked to a research center of the Complainant, offering "krypto trading" services and displaying the Complainant's word and figurative trademarks mentioned above. The Disputed Domain Name currently resolves to an inactive website.

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.

Notably, the Complainant contends that the Disputed Domain Name is almost identical to a trademark in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as, according to the Complainant:

- it has never granted authorization to the Respondent to register and use its trademarks as a domain name or on a website;
- the Disputed Domain Name is used for a fraudulent purpose (phishing), and therefore, it cannot be considered a bona fide use of the Disputed Domain Name;
- the Respondent is not commonly known by the Disputed Domain Name, nor is the Respondent otherwise associated with it, or any similar name;
- the Complainant's adoption and use of the sign "inflection point cm" precede by many years the Respondent's registration of the Disputed Domain Name.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the Respondent's website or location or of a product or service on the Respondent's website or location;

- the Respondent knew the Complainant, as it was using the Complainant's trademarks on the website linked to the Disputed Domain Name;
- the Respondent has been involved in three other domain name disputes that concern similar facts;
- since the Complaint was filed, the Respondent has deactivated the content of the website linked to 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 disputed domain name and the textual components of the Complainant's trademark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 Panel observes that the distinctive and dominant (textual) part of the Complainant's marks, namely INFLECTION POINT, is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of another term – here, "cm" – does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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 notes that the Respondent has not apparently been commonly known by the Disputed Domain Name, and that the Respondent does not seem to have acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is “Adam Robert”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry. Even where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

The Disputed Domain Name incorporates the distinctive and dominant part of the Complainant’s trademarks (INFLECTION POINT) and merely adds the terms “cm”. In the Panel’s view, the Disputed Domain Name can be easily linked to the Complainant as a partner of the Complainant, Inflection Point Capital Management, used to operate the Disputed Domain Name for more than 10 years. Therefore, the Panel finds that the Disputed Domain Name carries a high risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, including the content of the website linked to the disputed domain name and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), (see sections 2.5.2 and 2.5.3 of the [WIPO Overview 3.0](#)).

According to the Complainant’s evidence, the Disputed Domain Name recently appeared to resolve to a website purporting to be linked to a research center of the Complainant, offering “krypto trading” services and displaying word and figurative trademarks of the Complainant. The Panel finds that this does not amount to a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the Disputed Domain Name.

The Panel observes that the Disputed Domain Name currently resolves to an inaccessible website. In the Panel’s view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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.

The Disputed Domain Name appeared to resolve to a website purporting to be linked to a research center of the Complainant, offering “krypto trading” services and displaying word and figurative trademarks of the Complainant. In the Panel’s view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complaint and the Complainant’s trademarks. [WIPO Overview 3.0](#), section 3.1.4.

Moreover, the Panel finds that the Respondent has engaged in a pattern of bad faith conduct. In similar cases, UDRP panels found that the Respondent registered and used domain names in bad faith. See *Formula One Licensing BV v. Adam Robert*, WIPO Case No. [D2023-4186](#); *Max Bet SRL v. Adam Robert*,

WIPO Case No. [D2023-1878](#) and *The Society of Trust and Estate Practitioners Limited v. Adam Robert*,
WIPO Case No. [D2024-0089](#).

Other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- the Complainant's INFLECTION POINT CAPITAL trademark has existed for approximately 10 years;
- the Disputed Domain Name has been operated by a partner of the Complainant for more than 10 years;
- the Disputed Domain Name appeared to resolve to a website purporting to be linked to a research center of the Complainant and displaying word and figurative trademarks of the Complainant.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Given the totality of the circumstances discussed above, the current state of the Disputed Domain Name redirecting to an inaccessible webpage does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Based on the available record, 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 <inflectionpointcm.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: July 15, 2024