

ADMINISTRATIVE PANEL DECISION

Micromania Group v. yongjie weng, Geneviève DEMANGE, sad asd, fefefswfwef, 1231 12313, 1231, Anna Vancini Vancini, o nm, kak liu, xiao lin, zhang san, SY L, trths, chen, fa, linhao jiang, tryty, SDDFG FGF, GENERAL DELIVERY, I ss, 123
Case No. D2024-2422

1. The Parties

Complainant is Micromania Group, France, represented by AARPI Scan Avocats, France.

The Respondents are yongjie weng, United States of America ("USA"); Geneviève DEMANGE, USA; sad asd, fefefswfwef, China; 1231 12313, 1231, China; Anna Vancini Vancini, USA; o nm, China; kak liu, USA; xiao lin, China; zhang san, China; SY L, trths, China; chen, fa, China; linhao jiang, tryty, Russian Federation (the); SDDFG FGF, GENERAL DELIVERY, USA; I ss, 123, Bosnia and Herzegovina.

2. The Domain Names and Registrars

The disputed domain names <micromaniafr-outlet.shop>, <micromaniasale-fr.shop>, and <micromaniafr-fr.shop>, are registered with NameCheap, Inc. (the "First Registrar").

The disputed domain name <micromania-fr.store> is registered with Gname.com Pte. Ltd. (the "Second Registrar").

The disputed domain names <micromania-outlet.shop> and <micromaniaoutlet.shop> are registered with Dynadot Inc (the "Third Registrar").

The disputed domain names <micromania-vip.shop>, <micromania-ps5.shop>, <micromania-fr.shop>, <micromaniashop-fr.shop>, <micromania-sale.shop>, <micromania-sell.shop>, <fr-micromania.shop>, and <micromania-svip.shop> are registered with Web Commerce Communications Limited dba WebNic.cc; (the "Fourth Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 13, 2024. On June 13, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On June 13, June 14, July 4, July 19, and July

20, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrants and contact information for the disputed domain names which differed from the named Respondent (XIAO LIN, ZHANG SAN, KAK LIU, N.A., WILAYAH PERSEKUTUAN, FEFESWFWEF) and contact information in the Complaint.

The Center sent email communications to Complainant on June 14, July 5, and July 22, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed amended Complaints in English on June 21, July 12, July 19, and July 26, 2024.

On June 14, 2024, the Center informed the Parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On July 26, 2024, Complainant confirmed its request that English be the language of the proceeding. Respondents did not submit any comment on Complainant's submission.

The Center verified that the Complaint together with the amended Complaints 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 Respondents of the Complaint in Chinese and English, and the proceedings commenced on July 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2024. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on August 20, 2024.

The Center appointed Yijun Tian as the sole panelist in this matter on August 23, 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

A. Complainant

Complainant, Micromania Group, is a company incorporated in France. Founded in 1983 and acquired by GameStop in 2008, it is a French leader in video game retail. In 2017, it was rebranded as Micromania-Zing to expand beyond its core gamer base. Operating over 400 stores and a rapidly growing e-commerce platform, Complainant serves 2.9 million loyal customers and is recognised by 85% of the French population.

Complainant has rights in the MICROMANIA related marks. Complainant is the owner of numerous MICROMANIA trademarks worldwide, including the French trademark registration for MICROMANIA, registered on September 25, 2006 (registration number: 3452198); and the International trademark registration for MICROMANIA, registered on March 16, 2007 (registration number: 933880) (Annex I1 and Annex I3 to the Complaint).

B. Respondents

Respondents are yongjie weng, USA; Geneviève DEMANGE, USA; sad asd, fefeswfwef, China; 1231 12313, 1231, China; Anna Vancini Vancini, USA; o nm, China; kak liu, USA; xiao lin, China; zhang san, China; SY L, trths, China; chen, fa, China; linhao jiang, tryty, Russia; SDDFG FGF, GENERAL DELIVERY, USA; I ss, 123, Bosnia and Herzegovina.

The disputed domain name <micromaniafr-outlet.shop> was registered on June 27, 2024 ; the disputed domain name <micromaniasale-fr.shop> was registered on July 1, 2024 ; the disputed domain name <micromaniafr-fr.shop> was registered on July 5, 2024.

The disputed domain name <micromania-fr.store> was registered, on May 21, 2024.

The disputed domain name <micromania-outlet.shop> was registered on May 15, 2024 , and the disputed domain name <micromaniaoutlet.shop> was registered on May 15, 2024 ;

The disputed domain name <micromania-vip.shop> was registered on May 15, 2024; the disputed domain name <micromania-ps5.shop> was registered on May 15, 2024; the disputed domain name <micromania-fr.shop> was registered on May 15, 2024; the disputed domain name <micromaniashop-fr.shop> was registered by on May 15, 2024; the disputed domain name <micromania-sale.shop> was registered on May 20, 2024; the disputed domain name <micromania-sell.shop> was registered on May 23, 2024; and the disputed domain name <fr-micromania.shop> was registered by are registered on June 18, 2024 ; and the disputed domain name <micromania-svip.shop> was registerd by on July 5, 2024.

The disputed domain names <micromania-vip.shop>, <micromania-ps5.shop>, <micromania-outlet.shop>, <micromaniaoutlet.shop>, <micromaniashop-fr.shop>, <micromania-sale.shop>, <micromaniafr-outlet.shop>, <micromaniasale-fr.shop>, <micromania-svip.shop> and <micromaniafr-fr.shop> resolved to a webpage displaying the same message, namely the wording: "m***r the website is under maintenance"

The disputed domain names <micromania-fr.shop>, <micromania-fr.store>, <micromania-sell.shop>, and <fr-micromania.shop> resolve to an active e-commerce website offering ready-to-wear products.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain names are confusingly similar to its MICROMANIA mark, as they fully incorporate the mark with only minor changes, such as a hyphen or descriptive word, disregarding the generic Top-Level Domains (gTLD) ".shop" and ".store."

Complainant contends that Respondents have no rights or legitimate interests in respect of the disputed domain names.

Complainant contends that the disputed domain names were registered and are being used in bad faith.

Complainant requests that the disputed domain names be transferred to it.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name <micromania-fr.store> is Chinese. The language of the Registration Agreements for all other disputed domain names is English. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless

specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondents to the effect that the language of the proceeding should be English. Complainant filed initially its Complaint and amended Complaints in English, and has requested that English be the language of the proceeding for the following reasons:

- (a) The language of the Registration Agreements with the Registrar is English (Annexes D1 to D3 to the Complaint).
- (b) The Registrar's official websites are available in English, and key legal documents, including the Domain Registrant Agreement (Annexes D1 to D4 to the Complaint), are written in English. These documents can be accessed through websites such as "https://www.web.cc", "https://www.dynadot.com", "https://www.gname.com", and "https://www.namecheap.com".
- (c) The disputed domain names either point to a webpage with the English text "m***r the website is under maintenance" or to an English-language ready-to-wear e-commerce site (Annexes C1 to C15 to the Complaint).
- (d) It is, therefore, likely that Respondent speaks or understands English.

Respondents did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.5.1).

On the record, the disputed domain name <micromania-fr.store> was registered on May 21, 2024. Respondent, sad asd, fefefswfwef, appears to be located in China, and is thus presumably not native English speakers, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, particularly containing English terms (e.g. "fr" (abbreviation of France), "store"), rather than Chinese script; (b) the gTLD of the disputed domain name is ".store", so the disputed domain name seem to be prepared for users worldwide, particularly English speaking countries; (c) the disputed domain name <micromania-fr.store> resolves to an active e-commerce website in English offering ready-to-wear products; (d) the Center has notified Respondents of the language of the proceeding in both Chinese and English, and Respondents have indicated no objection to Complainant's request that English be the language of the proceeding

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that it is highly likely that these 14 disputed domain names have been registered by the same person, or the same group of persons, and are under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel finds that Complainant has provided sufficient evidence to establish that the disputed domain names or corresponding websites are subject to common control, for the following reasons:

- (a) **Naming Patterns:** All disputed domain names share a common structure linking the MICROMANIA trademark with hyphens or English generic terms like "vip", "shop", "fr" (abbreviation of France), "outlet", and "sale", commonly used in supermarket/hypermarket contexts or commercial activities, which are Complainant's fields of activities.
- (b) **Common gTLDs:** All disputed domain names use either the ".shop" or ".store" gTLD.
- (c) **Close Registration Dates:** The registration dates of all disputed domain names were very close, occurring between May and July of 2024.
- (d) **False and Inconsistent Contact Details:** Respondent's information for these disputed domain names is inconsistent, false, and in some cases purely numerical.
- (e) **Common Registrars and Hosting Providers:** All disputed domain names were registered with Web Commerce Communication, Dynadot Inc., Gname.com, and NameCheap, and are hosted on Cloudflarenet DNS servers, with all pointing to Cloudflarenet IP addresses.
- (f) **Identical Website Content:** Based on the information provided by the Complaint, several disputed domain names initially pointed to the same "m***r the website is under maintenance" page, and later some resolved to identical ready-to-wear e-commerce websites, reinforcing the conclusion of common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputed domain names would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the dispute domain names regarding the nominally different disputed domain name registrants (referred to below as "Respondent") in a single proceeding.

6.3 Substantive Issues: Three Elements

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 finds the entirety of the MICROMANIA mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms like "vip", "shop", "fr" (abbreviation of France), "outlet", "ps5", and "sale", or hyphens may bear on the assessment of the second and third elements, the Panel finds the addition of such

terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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 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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

More specifically:

(i) there has been no evidence adduced to show that Respondent is using the disputed domain names in connection with a bona fide offering of goods or services. Respondent has not provided evidence of reasons to justify the choice of the terms “micromania”, Complainant’s MICROMANIA trademark, in the disputed domain names. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the MICROMANIA or MICROMANIA marks or to apply for or use any domain name incorporating the MICROMANIA marks;

(ii) there has been no evidence adduced to show that Respondent has been commonly known by the disputed domain names. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain names. Respondent registered the disputed domain names in 2024, long after the MICROMANIA marks (registered as a trademark since 2006) became widely known. The disputed domain names are confusingly similar to Complainant’s MICROMANIA marks; and

(iii) there has been no evidence adduced to show that Respondent is making a legitimate noncommercial or fair use of the disputed domain names. By contrast, the disputed domain names <micromania-vip.shop>, <micromania-ps5.shop>, <micromania-outlet.shop>, <micromaniaoutlet.shop>, <micromaniashop-fr.shop>, <micromania-sale.shop>, <micromaniafr-outlet.shop>, <micromaniasale-fr.shop>, <micromania-svip.shop>, and <micromaniafr-fr.shop> resolved to a webpage displaying the same message, namely the wording: “m***r the website is under maintenance”. The disputed domain names <micromania-fr.shop>, <micromania-fr.store>, <micromania-sell.shop>, and <fr-micromania.shop> resolve to an active e-commerce website offering ready-to-wear products. It seems likely that Respondent is making profits through the Internet traffic attracted to the websites under these four disputed domain names. (See *BKS Bank AG v. Jianwei Guo*, WIPO Case No. [D2017-1041](#); and *Pet Plan Ltd. v. 权中俊 and 李金梁 (Li Jin Liang)*, WIPO Case No. [D2020-3358](#).)

Generally, UDRP panels have found that domain names consisting of a trademark plus an additional term, that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. Here, all of the additional terms bear a descriptive relationship to the industry (i.e., retail – “vip”, “sale”, “sell”, “outlet”), goods (i.e., “ps5”), and/or geographic location (i.e., “fr”) of

the Complainant, and as such, the composition of the disputed domain names carries a risk of implied affiliation. [WIPO Overview 3.0](#), 2.5.1

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.

In the present case, the Panel notes that Respondent has registered and used the disputed domain names in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but 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.

Regarding inactive disputed domain name, UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the record, the Panel finds the non-use of the disputed domain names does not prevent a finding of bad faith in the circumstances of this proceeding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel notes the distinctiveness or reputation of Complainant's trademark and the composition of the said disputed domain names and finds that in the circumstances of this case, the passive holding of the said disputed domain names does not prevent a finding of bad faith under the Policy.

Regarding the active disputed domain names, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's websites. Having reviewed the record, the Panel finds Respondent's registrations and use of the disputed domain names constitute bad faith under the Policy.

Based on the information provided by Complainant, the Panel finds that Complainant has a widespread reputation in the MICROMANIA marks with regard to its products and services. It is not conceivable that Respondent would not have had Complainant's trademark in mind at the time of the registration of the disputed domain names (in 2024). This has been reinforced by the fact that each disputed domain name incorporates Complainant's MICROMANIA trademark.

Respondent has used the websites resolved by active disputed domain names for offering ready-to-wear products. Thus, the Panel concludes that Respondent is currently using confusingly similar disputed domain names with the intention to attract, for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <micromaniafr-outlet.shop>, <micromaniasale-fr.shop>, <micromaniafr-fr.shop>, <micromania-fr.store>, <micromania-outlet.shop>, <micromaniaoutlet.shop>, <micromania-vip.shop>, <micromania-ps5.shop>, <micromania-fr.shop>, <micromaniashop-fr.shop>, <micromania-sale.shop>, <micromania-sell.shop>, <fr-micromania.shop>, and <micromania-svip.shop> be transferred to Complainant.

/Yijun Tian/

Yijun Tian

Sole Panelist

Date: September 12, 2024