

ADMINISTRATIVE PANEL DECISION

Interparfums Suisse Sàrl v. Andrew Bradner
Case No. D2024-3174

1. The Parties

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

The Respondent is Andrew Bradner, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <lanvinluxeshop> is registered with Sav.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 1, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 2, 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 (not available) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 August 19, 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 August 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 14, 2024.

The Center appointed David Stone as the sole panelist in this matter on September 20, 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 Swiss company which has developed and distributed perfume and related perfumed products under the LANVIN mark since 2004. LANVIN itself is a well-known brand of luxury perfume dating back to the 1920s.

Among others, the Complainant owns the following registered trademarks (the Marks):

- LANVIN: United States Trademark registration No. 0556672 registered on March 25, 1952, including perfumes;
- LANVIN: French Trademark registration No. 1328275 registered on October 25, 1985 in international class 3; and
- LANVIN: European Trademark registration No. 017911434 registered on October 18, 2018 in international class 3.

The disputed domain name was created on July 24, 2024. The Complainant provided evidence that the Respondent has previously maintained a website at the disputed domain name which used the Marks: (i) prominently in the top left-hand corner of the website; (ii) within the product names of colognes and perfumes that were being advertised for sale via the website; and (iii) within URL title "Shop the Best Lanvin Products Online – Lanvin Luxe". At the date of this decision, the disputed domain name appears to return no data.

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.

The Complainant contends that, under the first element, the disputed domain name reproduces the Marks entirely and the additional word "LUXE" serves to designate the quality of the products protected by the Marks.

Under the second element, the Complainant contends that the Respondent is not the owner of any trademark registrations and there is no suggestion of the Respondent being commonly known by the Marks. The Complainant is not affiliated with the Respondent and has never granted authorization nor license to use the Marks or any trademark confusingly similar thereto. The Complainant also contends that the Respondent did not disclose on its website a relationship with the Complainant.

Under the third element, the Complainant contends that the disputed domain name directed users to a "LANVIN Best Selling" website with URL title "Shop the Best Lanvin Products Online – Lanvin Luxe" which sells perfumes that are not related to the Complainant under the Marks. The Complainant also contends that the Respondent is clearly using its knowledge of the Marks and the reputation of the Marks in order to mislead the public into thinking the domain is owned by the Complainant or is connected to the Complainant.

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 Marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

"LUXE" is descriptive of the quality of the goods sold by the Complainant. Therefore, although the addition of other terms here, "LUXE" and the global Top-Level Domain (gTLD) ".shop", may bear on 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.8 and 1.11.

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.

Further, the website to which the Complainant's evidence shows the disputed domain name previously resolved does not appear to fall under the safeguards of fair use envisioned under section 2.8 of the [WIPO Overview 3.0](#), given there is no prominent disclaimer as to the lack of the website's association with the Complainant – to the contrary, the website used the Marks in the top left of the website where consumers would expect to find the name of the operator of the website.

Furthermore, panels have held that the use of a domain name for illegal activity, here, claimed passing off (albeit not claimed in those terms), or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Complainant's Marks are well-known around the world and the Respondent has chosen to use the Marks with the disputed domain name with only the additional terms "LUXE" and the gTLD ".shop". As set out above, "LUXE" is descriptive of the quality of the goods sold by the Complainant. Further, the Respondent, while currently not hosting a website at the disputed domain name, previously created and hosted a website at the disputed domain name which used the Marks: (i) prominently in the top left-hand corner of the website; (ii) within the product names of colognes and perfumes that were being advertised for sale via the website; and (iii) within URL title "Shop the Best Lanvin Products Online – Lanvin Luxe".

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.

Panels have found that evidence of a respondent seeking to cause confusion supports a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the content of the website previously hosted at the disputed domain name is strongly suggestive of bad faith because it is evidence of the Respondent seeking to cause confusion. The prominent and frequent use of the Marks (including in the top left of the website where consumers would expect to find the name of the operator of the website) to sell products highly similar or identical to those of the Complainant shows an intention of the Respondent to confuse and thereby attract users to its website for commercial gain.

Panels have also found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. The Panel notes the reputation of the Complainant's Marks, and the composition of the disputed domain name, and finds that in the circumstances of this case the present passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Further, panels have held that the use of a domain name for illegal activity, here, claimed passing off (albeit not claimed in those terms), or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Marks. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

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 <lanvinluxe.shop> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: October 4, 2024