

ADMINISTRATIVE PANEL DECISION

Elite Licensing Company S.A.G.L and Elite Model Management, LLC v.
Autumn Dallas, Pavon Technology
Case No. D2024-4768

1. The Parties

The Complainants are Elite Licensing Company S.A.G.L, Switzerland and Elite Model Management, LLC, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Autumn Dallas, Pavon Technology, United States.

2. The Domain Name and Registrar

The disputed domain name <elitemodellookinternational.com> is registered with Upperlink Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 19, 2024. On November 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 25, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainants on November 25, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on November 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 November 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 19, 2024.

The Center appointed Zoltán Takács as the sole panelist in this matter on January 2, 2025. 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

Founded in 1972, the Complainants' parent company, Elite World Group ("EWG") is a renowned fashion talent management and media company with agencies in locations such as Paris, New York, London and Barcelona.

Every year EWG holds a prestigious international model competition Elite Model Look for a chance to win a global contract with the Elite agency network. Models scouted in the competition very often become part of the reputable fashion weeks around the world, including New York, London, Milan and Paris Fashion Weeks.

The Complainants are both EWG companies and act as the holding companies for EWG licenses and trademarks.

For example, the Complainant Elite Licensing Company S.A.G.L is the owner of the International Trademark Registration No. 693264 ELITE MODEL LOOK registered since December 17, 1997.

The Complainants maintain a strong Internet presence, advertising their services through their primary domain names <elitemodel.com> and <elitemodellook.com> registered since February 14, 1996, and February 28, 1997, respectively.

The disputed domain name was registered on May 16, 2024, and was used to host a website that attempted to duplicate the Complainants' own website at "www.elitemodellook.com" by copying the design, color scheme, images, typeface and texts found on the website.

The Respondent also used the disputed domain name in an email address sent to a recipient claiming that the addressee was selected as an Elite Model Look model and soliciting an "enrollment fee of \$500".

Currently the disputed domain name resolves to a blank webpage.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

- the disputed domain name, which consists of their ELITE MODEL LOOK mark and the term "international" that closely relates to and describe their business is confusingly similar to trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii) or (iii) or the Policy; and
- the Respondent has registered the disputed domain name with the Complainants' business and trademark in mind and has used it to among others for launching a phishing attack, which is evidence of bad faith registration and use.

The Complainants request that the disputed domain name be transferred from the Respondent to the Complainants.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

In order to succeed on a complaint a complainant must evidence each of the three elements required by paragraph 4(a) of the Policy, namely that:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

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 Complainants have 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 Complainants' trademark is replicated and clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "international" may bear on assessment of the second and third elements, the Panel finds that the addition of such term 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.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 Complainants have submitted sufficient and uncontested evidence that they hold well-established prior rights in the ELITE MODEL LOOK trademark.

The Complainants have never authorized the Respondent to use their mark, in a domain name, or otherwise.

There is no evidence that the Respondent is commonly known by the disputed domain name.

As mentioned above that the Respondent has used the disputed domain name to effectively impersonate the Complainants as well as to launch a phishing attack.

UDRP panels have held that the use of a domain name for illegal activity, here impersonation/passing off and phishing can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that 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.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

As mentioned above the Respondent has attempted to duplicate that Complainants' website and has utilized the disputed domain name to send a phishing email soliciting payment of an "enrollment fee".

Thus, in view of the Panel the Respondent has registered the disputed domain name with the Complainants' rights in mind intending to confuse Internet users with an association with the Complainants and their trademark. Such targeting is fraudulent and evidence of bad faith.

Also, panels have held that the use of the disputed domain name for illegal activity, in this case impersonation of the Complainants and an attempt to phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The disputed domain name is currently inactive. However, 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. [WIPO Overview 3.0](#), section 3.3.

In this context the Panel notes the reputation of the Complainants' trademark; the composition of the disputed domain name and the failure of the Respondent to submit a response and provide any evidence of actual or contemplated good-faith use and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainants have 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 <elitemodellookinternational.com> be transferred to the Complainants.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: January 13, 2025