

ADMINISTRATIVE PANEL DECISION

Groupe Partouche v. Kieran Holmes
Case No. D2024-4992

1. The Parties

The Complainant is Groupe Partouche, France, represented by Jacob Avocats, France.

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <partouche.online> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 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 December 9, 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 December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on January 15, 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

The Complainant, a company based in France, is a casino operator and provider of gaming activities.

The Complainant holds several registrations for trademarks consisting of or including the term “Partouche”, among which the following trademark registrations:

- French trademark registration no. 5058109 for PARTOUCHE CASINO, registered on May 29, 2024, in classes 35 and 41.
- International trademark registration no. 982668 for GROUPE PARTOUCHE & design, registered on July 22, 2008, in classes 35, 36, 41 and 42.

The Complainant also acts as representative of record for the French trademark registration no. 3439797 for PARTOUCHE registered in the name of Isidore Partouche (who is, according to the Panel’s independent verification, Vice-President of the Complainant) on July 10, 2006, in classes 16, 28, 35, 36, 38, 41, 42 and 43. The record shows that the trademark is licensed to “PARTOUCHE GAMING FRANCE”. However, it is unclear whether the Complainant is related to the licensee and whether the license agreement is exclusive.

The Complainant provides its services at the website “www.partouche.com”.

The disputed domain name was registered on August 9, 2024.

The disputed domain name resolves to a webpage purporting to provide an app to teach French to children. The language of the webpage is English, save for a line in Russian.

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 identical to the trademark PARTOUCHE and therefore creates a risk of confusion.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not granted the Respondent any right to use its trademark within the disputed domain name and there is no relationship between the Complainant and the Respondent. The Complainant also points out that there is no evidence suggesting that the Respondent would be commonly known by the disputed domain name or that the Respondent would have used the disputed domain name in connection with a legitimate business.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. According to the Complainant, the Respondent was aware of the existence of the Complainant and of its trademark, which is well-known in the gambling and casino industry, at the time of registration of the disputed domain name. The Respondent has therefore most likely registered the disputed domain name in order to mislead Internet users into believing that his website is operated or endorsed by the Complainant, and to attract them to such website for profit and audience.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 registered by the respondent 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 Complainant has shown rights in respect of the trademarks PARTOUCHE CASINO and GROUPE PARTOUCHE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

It is unclear whether the Complainant has standing to file a UDRP complaint based on the PARTOUCHE trademark, absent evidence that the Complainant is an exclusive licensee of the registered owner. The fact that the Complainant is the representative of record for this mark suggests that the Complainant is a licensee of the owner, but this is not a sufficient basis to conclude that the license is exclusive. According to UDRP panels, absent clear authorization from the trademark owner, a non-exclusive trademark licensee would typically not have standing to file a UDRP complaint holder. [WIPO Overview 3.0](#), section 1.4.

That said, the Panel finds the marks PARTOUCHE CASINO and GROUPE PARTOUCHE registered in the name of the Complainant are recognizable within the disputed domain name, as the disputed domain name consists of the predominant element of such marks. Accordingly, the disputed domain name is confusingly similar to the mark PARTOUCHE CASINO and GROUPE PARTOUCHE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

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, given the prior use of the Complainant’s trademarks and the fact that the Complainant provides its services via the website “www.partouche.com”, in the absence of arguments to the contrary, the Panel finds that on the balance of probabilities, the Respondent registered the disputed domain name to target the Complainant’s trademarks and of its activities. The Panel’s finding is supported by the fact that the Respondent was subject to a prior UDRP proceeding, in which another casino provider was being targeted. *Groupe Lucien Barrière v. Kieran Holme*, WIPO Case No. [D2024-0807](#).

Consequently, the Panel considers that the Respondent was more likely than not aware of the existence of the Complainant and of its trademarks at the time of the registration of the disputed domain name, such that the disputed domain name was registered 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.

The Respondent has used the disputed domain name in connection with a webpage purportedly offering an educational app for teaching French to children. Even if such app did really exist, the use of the disputed domain name would mislead Internet users into believing that the Complainant is offering or endorsing such services, thus exploiting the Complainant’s reputation for commercial gain. Such use may moreover create the impression that the Complainant has developed a gaming offer for minors, which would be tarnishing the Complainant’s image.

Finally, the Panel notes that the Respondent has provided false contact information in the Whois details. Indeed, the street address corresponds to an address in the United Kingdom, whereas the indicated country is Afghanistan. The written notice of the Complaint was accordingly shipped to the United Kingdom, but delivery was unsuccessful. This confirms the Panel’s opinion that the Respondent did not intend a good faith use of the disputed domain name, but probably used it with the aim of attracting Internet users seeking the Complainant’s services to its own website for commercial gain.

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 <partouche.online> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: January 31, 2025