

ADMINISTRATIVE PANEL DECISION

BAL DU MOULIN ROUGE v. Ireneusz Bachurski Przedsiębiorstwo INFO-BI
Case No. D2024-5077

1. The Parties

The Complainant is BAL DU MOULIN ROUGE, France, represented by CASALONGA, France.

The Respondent is Ireneusz Bachurski Przedsiębiorstwo INFO-BI, Poland.

2. The Domain Name and Registrar

The disputed domain name <moulinrouge.online> is registered with Ascio Technologies Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 10, 2024. On December 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 13, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 13, 2025.

The Center appointed Kaya Köklü 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 is a widely known French company that offers musical dance entertainment in Paris. Its roots date back to the year 1889. Since then, the Complainant and its services have become a renowned tourist attraction for visitors of Paris.

The Complainant is the owner of the MOULIN ROUGE trademark, which is registered in a large number of jurisdictions. Among many others, the Complainant is the owner of the European Union Trademark Registration No. 000110437, registered on November 5, 1998, for MOULIN ROUGE, covering protection for various goods and services as protected in classes 3, 14, 18, 25, 32, 33, and 41.

The Complainant also owns various domain names consisting of its MOULIN ROUGE trademark, such as <moulinrouge.com> registered on May 15, 1998, and <moulinrouge.fr> registered on March 23, 1999.

The Respondent is reportedly located in Poland.

The disputed domain name was registered on February 24, 2024.

According to unrebutted evidence, the disputed domain name resolved to the website of a sales platform, where the disputed domain name was offered for sale. On October 1, 2024, the Complainant anonymously proposed to purchase the disputed domain name via that sales platform, to which the Respondent replied to the same day, asking for a payment of EUR 1,290 for its sale and transfer.

At the date of the decision, the disputed domain name no longer resolves to the sales platform or any other active 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.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistent with the consensus views stated therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the MOULIN ROUGE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the MOULIN ROUGE trademark is reproduced within the disputed domain name without any additions. Accordingly, the disputed domain name is identical to the MOULIN ROUGE mark 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.

There is particularly no indication in the case file that the Respondent is commonly known by the disputed domain name, nor that there are any circumstances or activities that would establish the Respondent's rights or legitimate interests therein. Furthermore, the Respondent's intent to commercially benefit from the resale of the disputed domain name does not indicate any right or legitimate interest in the disputed domain name.

Also, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.0](#), version 3.0, section 2.5.1.

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.

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.

In the present case, the Panel notes that the Respondent must have had the Complainant and its MOULIN ROUGE trademark in mind when registering the disputed domain name. Given the Complainant's long-established use of the identical trademark, as well as the <moulinrouge.com> domain name from which the disputed domain name only differs as regards its Top-Level-Domain, it seems that the Respondent deliberately chose the disputed domain name to target the Complainant and mislead Internet users. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

With respect to the use of the disputed domain name in bad faith, the Panel notes that the Complainant has provided evidence showing that the disputed domain name was initially offered for sale by the Respondent on a sales platform to a price beyond documented out-of-pocket expenses for the registration of the disputed domain name. In addition, the Panel notes the inherently misleading nature of the disputed domain name, which is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to target the Complainant, and its services provided under the MOULIN ROUGE trademark.

All in all, these circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. The Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The fact that the disputed domain name currently does not resolve to an active website does not prevent a finding of 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 <moulinrouge.online> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: January 29, 2025