

ADMINISTRATIVE PANEL DECISION

France télévisions v. Mihaela Sinclair
Case No. D2024-5186

1. The Parties

The Complainant is France télévisions, France, represented by Cabinet Lavoix, France.

The Respondent is Mihaela Sinclair, Romania.

2. The Domain Names and Registrar

The disputed domain names <francetvinfo.top> and <francetvinfo.website> are registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2024. On December 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 19, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 24, 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 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 17, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on January 24, 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 French national public television broadcaster.

The Complainant is the owner of the trademark FRANCE TV. Among others, the Complainant is the registered owner of the French trademark No. 3827939, registered on August 26, 2011, and the International Trademark Registration No. 1109946, registered on November 2, 2011, both for FRANCE TV and claiming protection for various goods and services as protected in classes 9, 16, 28, 35, 41, and 42.

The Complainant also owns numerous domain names comprising its FRANCE TV trademark, including <francetvinfo.fr>.

The Respondent is reportedly located in Romania. The Panel notes that the Respondent has previously been involved in another UDRP dispute against the Complainant concerning domain names which are highly similar to the disputed domain names of the present case. See *France Televisions v. Mihaela Sinclair*, WIPO Case No. [D2024-2764](#). The Panel further notes that this referred case was decided against the Respondent.

The disputed domain names were both registered on November 29, 2023.

According to the case record, the disputed domain name <francetvinfo.top> redirected users to an online gambling website. The disputed domain name <francetvinfo.website> resolved to a landing page with pay-per-click (“PPC”) links to third-party websites. At the time of the decision, the disputed domain name <francetvinfo.top> no longer resolves to an active website, while the disputed domain name <francetvinfo.website> still resolves to a landing page with PPC links to third-party websites including links to television products.

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 names.

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 names are 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 names; and
- (iii) the disputed domain names have been registered and are 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. See *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

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

It is further noted that 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 3.0, section 1.7.

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

The Panel finds the FRANCE TV mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the FRANCE TV mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "info", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the FRANCE TV 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. In the absence of a response, 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 names such as those enumerated in the Policy or otherwise.

The Panel notes that the composition of the disputed domain names incorporates the Complainant's FRANCE TV trademark and the term "info" and as such is similar to the Complainant's own domain name <francetvinfo.fr> which is used by the Complainant for broadcasting and streaming services and, hence, carries a risk of implied affiliation. Furthermore, UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links may compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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 FRANCE TV trademark in mind when registering the disputed domain names, particularly considering the inherently misleading composition of the disputed domain names comprising the Complainant's FRANCE TV trademark in its entirety. Further, the disputed domain name is also similar to the Complainant's domain name <francetvinfo.fr>, which is used by the Complainant inter alia for various broadcasting and streaming services. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain names to target the Complainant and mislead Internet users.

With respect to the use of the disputed domain names in bad faith, it is obvious to the Panel that the Respondent is using the disputed domain names to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's FRANCE TV trademark.

The fact that the disputed domain name <francetvinfo.top> currently does not resolve to an active website does not -- given the cumulative above-noted circumstances -- prevent a finding of bad faith.

In the light of the above and having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <francetvinfo.top> and <francetvinfo.website> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: February 7, 2025