

## **ADMINISTRATIVE PANEL DECISION**

Groupe La Centrale v. fan zhong liang  
Case No. D2024-5359

### **1. The Parties**

The Complainant is Groupe La Centrale, France, represented by MIIP – MADE IN IP, France.

The Respondent is fan zhong liang, China.

### **2. The Domain Name and Registrar**

The disputed domain name <caradisiac-publicite.com> (the “Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 31, 2024. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 3, 2025, 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 (information unavailable) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2025, 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 in English on January 7, 2025.

On January 3, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On January 9, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese



and English of the Complaint, and the proceedings commenced on January 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 9, 2025.

The Center appointed Andrew Sim as the sole panelist in this matter on February 14, 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 (previously known as Car & Boat Media) is a company in the field of classified ads in the automotive sector in France. It is known to the public under CARADISIAC as a professional publisher of automotive articles and information, including advertising.

The Complainant holds registered trademarks for CARADISIAC ("the CARADISIAC Trademark") in various jurisdictions. The Complainant has provided copies of the French National Institute of Industrial Property search results indicating the registration of the CARADISIAC Trademark in France, including but not limited to the below trademarks.

Jurisdiction	Mark	Registration Number	Registration Date	Class(es) Covered	Status
France		4682789	September 16, 2020	9, 35, 36, 38, 41, 42	Registered
France	CARADISIAC	4167779	March 25, 2015	9, 12, 16, 35, 36, 37, 38, 39, 41, 42	Registered
France		3847263	July 20, 2011	35, 36, 38, 41, 42	Registered

The Complainant operates the domain name <caradisiac.com> associated with the CARADISIAC Trademark. The <caradisiac.com> domain name resolves to the Complainant's website specializing in the automotive sector, which offers content on automotive news, automotive tests, automotive buying guides and a forum.

The Disputed Domain Name was registered on December 17, 2023. Based on the Complainant's evidence, upon entering the Disputed Domain Name, it resolved to a website with a white page without activity, with an inscription "甘南砍灸投资管理有限公司". Upon the Panel's own visit to the website at the Disputed Domain Name, the Disputed Domain Name still resolved to a website with a white page, with the same inscription.

Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, address, postcode, telephone number, and email address.

#### 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.

First, the Complainant contends that the Disputed Domain Name is identical or confusingly similar to the Complainant's CARADISIAC Trademark, as it incorporates the entirety of the CARADISIAC Trademark. The addition of the French word "publicite" (meaning advertising) would mislead Internet users into thinking that

there is a link between the Complainant and the Disputed Domain Name, especially given that “Caradisiac Publicité” is the name of the Complainant’s previous advertising agency. The Top-Level Domain (“TLD”) (i.e., “.com”) featured in the Disputed Domain Name does not reduce the risk of confusion.

Second, the Complainant contends that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Complainant has no legal or commercial relationship with the Respondent. The Complainant has not granted any license to the Respondent to use the Disputed Domain Name featuring the CARADISIAC Trademark. It is not possible that the Respondent registered and use the Disputed Domain Name without knowing that the name “Caradisiac” was already used in France by the Complainant for automobile activities, especially given the Complainant’s previous name (“Caradisiac Publicité”) for its advertising agency.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith. In terms of registration, the Complainant’s CARADISIAC Trademark predates the registration date of the Disputed Domain Name. In terms of use, the Disputed Domain Name did not resolve to an active webpage, demonstrating a lack of interest in using the Disputed Domain Name. The Respondent knowingly reserved the Disputed Domain Name to create confusion about the origin of its website, taking advantage of the Complainant’s efforts in managing its website, and affecting the Complainant’s reputation. Such actions do not represent a good faith use of the Disputed Domain Name.

The Complainant requests that the Disputed Domain Name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- (a) the Complainant is unable to communicate in Chinese, and the translation of the Complaint would unfairly disadvantage and burden the Complainant, and delay the proceedings and the adjudication of this matter;
- (b) the Disputed Domain Name is registered in Roman characters with the word “publicite” in French and with the TLD (i.e., “.com”) in Roman characters, rather than Chinese letters;
- (c) English is the most widely used language in international relations; and
- (d) as the Complainant is based in France and the Respondent is based in China, English is the fairest neutral language for the proceedings.

The Respondent did not make any submissions with respect to the language of the proceeding. This is despite the fact that the Center had sent the notification of the Complaint (including instructions on the language of the proceeding to the Respondent) in both Chinese and English.

In exercising its discretion to use a language other than that of the Registration Agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2 Substantive Issues**

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (c) the Disputed Domain Name has been registered and is being used in bad faith.

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

### **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 trademarks and the Disputed Domain Name. [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 (i.e., the CARADISIAC Trademark as described in section 4 above). [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the CARADISIAC Trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the CARADISIAC Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the French term "publicite" following the CARADISIAC Trademark in the Disputed Domain Name 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 Name and the CARADISIAC Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The TLD in the Disputed Domain Name (i.e., ".com") is a standard registration requirement and as such is disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.

The Panel finds that 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 the 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.

Particularly in regards to the three illustrative examples of legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (i) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods and services, as it resolved to a website with a white page without activity;
- (ii) the Disputed Domain Name does not correspond with the Respondent's name (i.e., "fan zhong liang"), and there is no evidence of the Respondent operating any business or organization with a similar name as the Disputed Domain Name; and
- (iii) the Respondent's registration and use of the Disputed Domain Name does not fall within the scope of legitimate noncommercial or fair use, as it does not resolve to an active website and incorporates the Complainant's previous name for its advertising agency ("Caradisiac Publicité"), which has the effect of suggesting affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

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.

The Panel finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent's bad faith:

- (a) the Disputed Domain Name is confusingly similar to both the Complainant's CARADISIAC Trademark and the Complainant's domain name <caradisiac.com>, and creates a likelihood of confusion with the Complainant's CARADISIAC Trademark;
- (b) based on the distinctiveness of the term "caradisiac" (being a highly specific term that does not correspond to a dictionary term), the Respondent must have had actual or constructive knowledge of the Complainant (and the CARADISIAC Trademark) at the time of registering the Disputed Domain Name, and that such registration would be confusingly similar to the Complainant's CARADISIAC Trademark;
- (c) the Disputed Domain Name incorporates the Complainant's previous name for its advertising agency ("Caradisiac Publicité"); and
- (d) there is no reasonable connection or association between the Respondent and the Disputed Domain Name.

According to previous UDRP decisions, 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. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's CARADISIAC Trademark, the composition of the Disputed Domain Name, and the failure of the Respondent to file a response. The Panel finds that in the circumstances of this case, the passive holding of the Disputed Domain Name, which resolved to a white page without activity, does not prevent a finding of 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 Name <caradisiac-publicite.com> be transferred to the Complainant.

*/Andrew Sim/*

**Andrew Sim**

Sole Panelist

Date: March 3, 2025