

ADMINISTRATIVE PANEL DECISION

France Televisions v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2025-0021

1. The Parties

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <francetv.online> is registered with Communigal Communications Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 3, 2025. On January 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which partially differed from the named Respondent (Domain Name Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 10, 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 on January 13, 2025.

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 January 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 6, 2025.

The Center appointed John Swinson as the sole panelist in this matter on February 7, 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 France Télévisions, the French public national television broadcaster. It is owned by the French state and operates various subsidiary companies and several television channels for national and international audiences. It is also active in overseas radio and online.

The Complainant uses the domain name <francetelevisions.fr>.

Among its services, the Complainant offers videos, replay, and live streaming, including news programs at <francetvinfo.fr>.

The Complainant owns French trademark registration No. 3827939 for FRANCE TV registered on August 26, 2011, as well other trademark registrations for FRANCE TV in other jurisdictions.

The Complainant also owns and uses the domain name <france.tv> for a streaming service.

The Respondent did not file a Response, so little information is known about the Respondent.

The disputed domain name was registered on April 19, 2024.

The disputed domain name resolves to a pay-per-click ("PPC") page. When the Panel visited this website, there were PPC links for "French Television", "Francois Television", and "Online Streaming France". At the bottom of this webpage, there is a statement: "This domain francetv.online may be for sale. Click here to inquire about this domain." The link goes to a website at <domaineasy.com> where the disputed domain name is listed for sale for USD 1,389.

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 Respondent deliberately registered the disputed domain name with the intent to divert Internet users from the Complainant's website to the Respondent's PPC parking page, and that this constitutes bad faith registration and use.

According to the Complainant, it is virtually impossible that the Respondent was not aware of the Complainant's activities at the time he registered the disputed domain name. The Complainant's mark is highly distinctive and has a strong reputation.

The Complainant also contends that the Respondent is very active in the reservation of domain names containing third party trademarks; the Respondent appears 42 domain name disputes filed with the Center.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the 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 no evidence that the Respondent is commonly known by the disputed domain name.

Use of a domain name to resolve to a PPC advertising page, where the advertising is relevant to the trademark value of the domain name, does not establish rights or legitimate interests in respect of the disputed domain name. *UnitedHealth Group Incorporated v. Privacy Protection / Domain Administrator*, WIPO Case No. [D2021-4334](#).

None of the circumstances listed in paragraph 4(c) of the Policy apply in the present circumstances.

Having regard to all these matters, the Panel finds that the prima facie case established by the Complainant has not been rebutted by the Respondent.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain name in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The disputed domain name was registered after the Complainant registered its trademark for FRANCE TV referred to above.

The disputed domain name is used for PPC links that relate to the Complainant's business.

In the present case, based on the record before it, the Panel finds on the balance of probabilities that the Respondent registered the disputed domain name with knowledge of the Complainant's FRANCE TV trademark and with intent to target it. The Complainant's evidence supports the notion that its mark is well known internationally. Furthermore, the disputed domain name matches the Complainant's mark exactly.

The Respondent has not filed a Response and hence has not availed itself of the opportunity to present any case of good faith that it might have. The Panel infers that none exists.

The Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of the Policy. This also could disrupt the business of the Complainant.

The Panel finds that the Respondent has both registered and used the disputed domain name in bad faith.

The disputed domain name is listed for sale. The Panel does not need to discuss this issue to reach the conclusion herein.

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 <francetv.online> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: February 21, 2025