

ADMINISTRATIVE PANEL DECISION

Henesa LLC v. Pedro Hernández Matas

Case No. D2025-0152

1. The Parties

The Complainant is Henesa LLC, United States of America ("United States"), represented by IP Twins, France.

The Respondent is Pedro Hernández Matas, Spain.

2. The Domain Name and Registrar

The disputed domain name <galletchronographs.com> is registered with Acens Technologies, S.L.U. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 15, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 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 (originally named Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 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 17, 2025.

On January 17, 2025, the Center informed the parties in Spanish and English, that the language of the registration agreement for the disputed domain name is Spanish. On January 21, 2025, the Complainant confirmed its request that English 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 amendment to 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 January 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 12, 2025.

The Center appointed Rodrigo Velasco Santelices as the sole panelist in this matter on February 17, 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 Henesa, LLC. owner of the trademark rights to the name GALLET, a historic Swiss watch manufacturer of high-end timepieces for professional, military, sports, racing, and aviation use. GALLET is the world's oldest clock making house with history dating back to Humbertus Gallet, a clock maker, in 1466.

To that effect, the Complainant owns numbers of trademark rights worldwide. In particular, the Complainant is the owner of the following trademarks, it is important to notice that some of them have been registered well before the registration of the disputed domain name:

United States Trademark GALLET No. 57467, registered on July 5, 2023 , duly renewed, and designating goods in international class 14;

International Trademark GALLET No. 810892, registered on October 3, 2003 , duly renewed, and designating goods in international class 14;

Switzerland Trademark GALLET No. 680597, registered on November 18, 2015, duly renewed, and designating goods in international class 14;

Japan Trademark GALLET No. 6854456, registered on October 16, 2024, duly renewed, and designating goods in international classes 9, 14, 35, and 37.

According to the Complaint, among GALLET's professional timekeeping innovations are:

- The first wristwatch with a center-originating sweep second hand for heart rate calculation (1912)
- The first timepiece designed specifically for yacht racing (Gallet Yachting Timer, 1915)
- The first wristwatch with a faster 28,800 BPH escapement (Racine Quick-Train, 1928)
- The first wrist chronograph with a waterproof case (Gallet MultiChron Clamshell, 1936)
- The first chronograph wristwatch with multiple time zone calculator (Gallet Flight Officer, 1939)
- The first wristwatch with rotating bezel (Philippe Weiss, inventor) (Gallet Flight Officer, 1939)
- The first miniature chronograph wristwatch for professional women (Gallet MultiChron Petite, 1939)
- The first 45-minute recording wrist chronograph (Gallet MultiChron 45, 1942)
- The first stopwatch with a built-in spare parts compartment for quick repairs (1943)
- The first chronograph wristwatch with additional 24-hour GMT hand (Gallet MultiChron Navigator, 1945)
- The first "waterproof" stopwatch (Gallet Yachting Timer, 1945)
- The first 24-hour reading wrist chronograph (Gallet MultiChron 24HR, 1947).

The GALLET name and trademarks have been used without discontinuation for centuries and enjoy considerable goodwill and notoriety worldwide. The Complainant submits that the earlier trademarks GALLET enjoy a wide-spread continuous reputation.

Further, the Complainant also owns numerous domain names integrating “gallet” such as:

<gallet-chronographs.com> registered on November 20, 2024, and
<gallet-chrono.com> registered on November 20, 2024.

The Complainant contends it has demonstrated rights on the term GALLET, and that the trademark notoriety of GALLET is also evidenced on the Internet. Indeed, the trademark GALLET is referenced on one of the most famous watches marketplace. A quick search for GALLET watches on that marketplace shows dozens of results for GALLET chronographs on sale, demonstrating that the public is interested in this brand. Moreover, there are several GALLET fan groups on the Internet, notably on Facebook. And there is also a complete article on Wikipedia about GALLET, demonstrating its historical importance.

The disputed domain name, <galletchronographs.com>, was registered on July 24, 2021.

The Respondent in these administrative proceedings is Pedro Hernández Matas at the time of original filing of the Complaint, and the disputed domain name resolves to an error page.

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 includes the earlier trademark GALLET. The disputed domain name is only different of the trademark by the addition of the word “chronographs”. This addition of a term does not significantly affect the appearance or pronunciation of the domain name. Adding terms to a trademark in a domain name is not sufficient to avoid misleading Internet users and to avoid creating a likelihood of confusion with the Complainant's trademark. The domain name that consists in such a composition should be regarded as confusingly similar to the Complainant's trademark.

Moreover, the word “chronographs”, associated with the trademark increases the risk of confusion in the mind of the average Internet user. This term is directly linked to the Complainant's commercial activity, which makes the confusion even more likely to occur in the mind of a consumer, who would expect to find the Complainant's or an affiliated, seeing the disputed domain name. Lastly, the generic Top-Level Domain (“gTLD”) (in this case “.com”) should not be taken into consideration when evaluating the risk of confusing similarity.

B. Respondent

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

6. Discussion and Findings

A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Spanish. 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 proceedings 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 the facts that:

The Complainant, a non-Spanish entity, does not operate in the Spanish language. The Complainant is not able to communicate in Spanish. The Complainant is not able to conduct this proceeding in Spanish without a great deal of additional expense and delay due to the need for translation of the Complaint. Conducting these proceedings in Spanish would impose an undue burden on the Complainant, who lacks the ability to effectively communicate in that language. Forcing the proceedings to be conducted in Spanish would result in an unfair disadvantage, undermining the principles of fairness and justice that underpin the UDRP framework.

The disputed domain name contains the English word “chronographs”, which could possibly indicate that the Respondent knows the English language. English is widely used in international legal proceedings and serves as the de facto standard for numerous global business transactions and legal disputes. Given the Internet’s global nature, domain name disputes frequently involve parties from diverse linguistic backgrounds.

The Center communicated with the Parties in both languages, but the Respondent is in default, so he did not make any specific submissions with respect to the language of the proceeding.

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.

B. 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the other term “chronographs” 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 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.

C. 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 Complainant stated that the Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to an error page. This lack of content, indicates the disputed domain name is not being used for a good faith offering of goods or services (bona fide offering). The composition of the disputed domain name together with the lack of content does not allow a conclusion of rights or legitimate interests for the Respondent in the disputed domain name.

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

D. 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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, 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 <galletchronographs.com> be transferred to the Complainant.

/Rodrigo Velasco Santelices/

Rodrigo Velasco Santelices

Sole Panelist

Date: March 3, 2025