

## **ADMINISTRATIVE PANEL DECISION**

### **Forvis Mazars Group v. Name Redacted**

### **Case No. D2025-0175**

#### **1. The Parties**

The Complainant is Forvis Mazars Group, Belgium, represented by SafeBrands, France.

The Respondent is Name Redacted.<sup>1</sup>

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

The disputed domain name <mazarsfrance.com> is registered with Hostinger Operations, UAB (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 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 31, 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”).

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<sup>1</sup>The Respondent appears to have used the name of a third party (an employee of the Complainant) when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 24, 2025.

The Center appointed Federica Togo as the sole panelist in this matter on February 27, 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**

It results from the Complainant's undisputed allegations that Mazars is an international audit, tax and advisory firm which opened their first office in 1945. Since then, they have grown into a global, connected partnership of over 47,000 professionals with a presence in over 100 countries and territories. In 2023, Mazars, the international audit, tax, and advisory firm and Forvis, the eighth largest public accounting firm in the United States of America jointly announced they will create a new, top 10 global network effective June 1, 2024. The network operates now under a single brand worldwide, Forvis Mazars, with around EUR 4.7 billions (USD 5 billions) in revenue.

The Complainant is the registered owner of many trademarks worldwide consisting or containing the term "Mazars", e.g., European Union trademark registration MAZARS No. 003798402, registered on July 19, 2005 for services in classes 35, 36, 41, and 42.

In addition, the Complainant owns the domain names <mazars.com>, <forvismazars.com> and <mazars-france.com>, some of which are actively used for advertising its services.

The disputed domain name was registered on November 26, 2024. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name was used to contact third parties via email, while pretending to be a Complainant's employee, seemingly in order to obtain improper payment. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name redirects to the Complainant's official website at the domain name <forvismazars.com> in its French version.

#### **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 is confusingly similar to the Complainant's trademark since it reproduces identically the well-known trademark MAZARS and merely adds a geographic term ("france"), which refers to one of the Complainant's geographic area of activity. In addition, it also results in a typosquatting of one of the Complainant's domain name, i.e., <mazars-france.com> with the only deletion of the hyphen.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent did not obtain any authorization from the Complainant to use the registered trademark MAZARS and has no relation either economical or financial or of any other kind with the Complainant. In addition, the Respondent is using the disputed domain name in an unauthorized manner. Indeed, the Complainant has been informed by clients that fraudulent emails are sent from a litigious email address created from the disputed domain name. Indeed, the Respondent uses the email address connected to the disputed domain name, by letting his interlocutors (mostly French clients

or prospects of the Complainant) believe that this email address corresponds to the Complainant's employee, asking them for money. Furthermore, according to the Complainant, the Respondent's details are false, impersonating one of the Complainant's associate lawyer. Consequently, the Complainant's employee's name was used to send fraudulent emails and for registering the disputed domain name. In addition, the disputed domain name redirects to the Complainant's official website at the domain name <forvismazars.com> in its French version.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, also taking into account the use of the Complainant's distinctive trademark for over 79 years, the registration of the disputed domain name cannot be fortuitous. The Respondent has registered the disputed domain name, with the sole aim of taking undue advantage of the Complainant and mislead Internet users for phishing purposes. The Respondent impersonates one of the associate lawyers of the Complainant by registering the disputed domain name by using the name and details of the Complainant's employee. Such conduct supports the Respondent's bad faith and its desire to mislead the recipients of its emails and to try to legitimate its emails. In addition, the disputed domain name redirects to the Complainant's official website in order to legitimate its existence for clients. The purpose of this redirection is based on the Respondent's will to confuse the Complainant's prospects or clients. Furthermore, prior to the said redirection, the Respondent has been engaged in phishing activities. Indeed, the Respondent has used an email address connected to the disputed domain name, by letting clients or prospects of the Complainant believe that this email address corresponds to the Complainant's employee, asking them for money. The use of emails to impersonate an employee of a complainant asking for money can be evidence of an attempt to attract users for commercial gain.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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

Although the addition of other term (“france”) 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.

## **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.

The Panel notes that the disputed domain name contains the Complainant’s registered trademark and a geographic term (“France”). The nature of this disputed domain name carries a risk of implied affiliation: in fact, certain geographic terms (e.g., <trademark-usa.com>, or <trademark.nyc>) are seen as tending to suggest sponsorship or endorsement by the trademark owner, see [WIPO Overview 3.0](#) at section 2.5.1.

Moreover, the evidence indicates that the disputed domain name has been used for a fraudulent email scheme aimed to impersonate the Complainant. Panels have held that the use of a domain name for illegal activity (here, phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

As explained above, it results from the undisputed evidence submitted by the Complainant that the disputed domain name was registered using the name of one of the Complainant’s employees and has been used to contact third parties via email, pretending to be a Complainant’s employee in order to obtain improper payment. In addition, the use of the disputed domain name in such an illegal scheme additionally demonstrates that the Respondent not only knew of the Complainant, its business and mark, but also attempted to pass itself off as the Complainant by using the name of a Complainant’s employee to solicit

payment. Panels have held that the use of a domain name for illegal activity (here, impersonation/passing off, phishing, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, the undisputed evidence provided by the Complainant proves that the disputed domain name redirects to the Complainant's official website. Panels have found that a respondent redirecting a domain name to the complainant's website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant. [WIPO Overview 3.0](#), section 3.1.4. This panel shares this view in the present case.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name 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 name <mazarsfrance.com> be transferred to the Complainant

*/Federica Togo/*

**Federica Togo**

Sole Panelist

Date: March 13, 2025