

## **ADMINISTRATIVE PANEL DECISION**

ZV BELGIUM v. Pedro Amorim

Case No. D2025-0467

### **1. The Parties**

The Complainant is ZV BELGIUM, Belgium, represented by Cabinet Hoffman, France.

The Respondent is Pedro Amorim, Brazil.

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

The disputed domain name <zadigetvoltairefr.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in French with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 2025. On February 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 6, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 7, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On February 7, 2025, the Center informed the parties in English and French, that the language of the registration agreement for the disputed domain name is English. On February 10, 2025, the Complainant submitted the amended Complaint translated into English.

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 February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025.

The Respondent sent an informal email communication to the Center on February 22, 2025. As a response to the email, the Complainant requested the suspension of the proceedings to explore settlement options. The proceedings were suspended on March 7, 2025. On April 9, 2025, the Complainant requested the reinstitution of the proceedings. On April 10, 2025, the proceedings were reinstituted.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on April 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 a French brand founded in 1997 that operates under the brand name ZADIG & VOLTAIRE for a ready-to-wear business. Since its creation, the Complainant has developed a singular style, rock, trendy and chic, combined with a high-end image that enjoys an international reputation for the creation and sale of ready-to-wear clothing and fashion accessories through a distribution network under the trademark ZADIG & VOLTAIRE and other brands (including its famous wings) and/or its well-known initials "ZV".

The Complainant owns numerous trademark registrations throughout the world for ZADIG&VOLTAIRE, including the following:

French Trademark Registration No. 3417136 ZADIG & VOLTAIRE, registered on April 21, 2006, in classes 14, 16, 18, 20, 24, 25, 35 and 43;

European Union Trademark Registration No. 008540353 ZADIG & VOLTAIRE, registered on June 8, 2007, in classes 14, 16, 18, 20, 24, 25, 35 and 43;

International Trademark Registration No. 907298A ZADIG & VOLTAIRE, registered on September 15, 2006, in classes 14, 16, 18, 20, 24, 25, 35 and 43.

The Complainant's products are marketed under the trademark ZADIG & VOLTAIRE both online and in physical outlets in 60 countries worldwide.

The Respondent registered the disputed domain name on October 28, 2024, which resolves to an online store website, displaying the Complainant's trademark in the same stylized manner, as the Complainant uses on its official website, and offering numerous products identical to those offered by the Complainant. The website also displays a copyright notice "2023 Zadig France."

#### **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.

The Complainant contends that the Respondent has no relationship whatsoever with the Complainant. Indeed, the Complainant has not granted any licensing or distribution rights on ZADIG & VOLTAIRE products.

The Respondent has never requested or obtained authorization from the Complainant to use the disputed domain name incorporating the ZADIG & VOLTAIRE trademark used and owned by the Complainant. Moreover, the Respondent is not recognized by the public through the disputed domain name.

The visuals of the collections belonging to the Complainant and over which it has proprietary rights, as well as the names of the products, have been identically reproduced on the website to which the disputed domain resolves, as shown in Annexes 2 and 5 to the Complaint.

In order to increase confusion, the Respondent has reproduced at the bottom of the page (in an identical manner to the Complainant's website), on the website that is the subject of the disputed domain name, the message alerting consumers to the counterfeits of which the Complainant is a victim, as may be seen in Annexes 2 and 5 to the Complaint.

The Respondent is thus attempting by all means to entice consumers to buy products on the website that is the subject of the disputed domain name, in order to profit, unduly and unlawfully, from the presumably infringing articles marketed there.

There is a significant risk of confusion for the average consumer, who may be led to believe that the disputed domain name refers to an online store selling authentic ZADIG & VOLTAIRE trademark items at discounted prices.

The Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

## **B. Respondent**

The Respondent did not substantively reply to the Complainant's contentions. On February 22, 2025, the Respondent sent an informal email communication to the Center indicating that he "do[es] not wish to contest the dispute" and has no objection to the transfer of the disputed domain name to the Complainant.

## **6. Discussion and Findings**

### **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 Panel finds the mark is recognizable 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 terms, here "fr", 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as impersonation/passing off, 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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark.

The Panel is satisfied that the Respondent must have been aware of the Complainant’s trademark ZADIG & VOLTAIRE mentioned in section 4 above (Factual Background) when it registered the disputed domain name on October 28, 2024, many years after the Complainant had registered and intensely used the trademark.

In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant’s ZADIG & VOLTAIRE trademark in the disputed domain name creates a presumption of bad faith registration. The addition of the French term “et”, which has the same meaning as the ampersand “&” and the inclusion of the term “fr”, which is a country code for “France”, a country where the Complainant operates, in the disputed domain name, strengthen the likelihood of confusion between the disputed domain name and the Complainant’s mark.

The Respondent, when registering the disputed domain name, has targeted the Complainant’s business and its trademark ZADIG & VOLTAIRE with the intention to confuse Internet users and capitalize on the fame of the Complainant’s trademark for its own benefit.

The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled.

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 <zadigetvoltairefr.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: April 29, 2025