

ADMINISTRATIVE PANEL DECISION

Picard Surgeles v. Krebs George, George S Krebs
Case No. D2025-0579

1. The Parties

The Complainant is Picard Surgeles, France, represented by Osmose Avocats, France.

The Respondent is Krebs George, George S Krebs, United States of America.

2. The Domain Name and Registrar

The disputed domain name <picarrd.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") in French on February 13, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 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) and contact information in the Complaint, further highlighting that the language of the registration agreement was English. The Center sent an email communication to the Complainant on February 17, 2025, providing the registrant and contact information disclosed by the Registrar, drawing the Complainant's attention upon the fact that the language of the registration agreement was English, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on February 20, 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 February 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 21, 2025.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on March 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

The Complainant was founded in France in 1962. It is one of the French leaders of frozen food products. In 2024, it was ranked as the favorite specialty food brand in France.

The Complainant owns several trademarks consisting in whole or in part of the term PICARD. Such notably is the case of the following trademarks:

- The French word mark “PICARD” No. 4012898 registered on June 17, 2013, in classes 29, 30, 31, 35 and 39 and designating inter alia food products and related retail and delivery services;
- The French semi-figurative trademark “PICARD” No. 1554159 registered on October 6, 1989, in classes 16, 29 and 30 and designating in particular food products;
- The French semi-figurative trademark “PICARD” No. 4160633 registered on February 27, 2015, in classes 35 and 39 and designating, inter alia, food retailing and delivery services;
- The international semi-figurative trademark “PICARD” No. 1272122 registered on July 17, 2015, in classes 35 and 39 and designating, inter alia, food retailing and delivery services;
- The international semi-figurative trademark No. 1271787 registered on July 17, 2015, in classes 29, 30, 31, 35, and 39 and designating inter alia food products and related retail and delivery services.

The Complainant further owns the domain name <picard.fr> to carry out its online activities.

On December 27, 2024, the Respondent registered the disputed domain name. The disputed domain name is linked to a website displaying the Respondent’s trademarks and logos on numerous accounts.

The website contains several tabs written in French, namely “Maison & Jardin”, “Mode & Accessoires” and “Produits électroniques”, which redirect users to pages where products, displayed in English and marketed under the PICARD trademark, can be purchased.

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 its PICARD trademarks as it entirely reproduces the PICARD trademark, and that the mere addition of the letter “r” is insufficient to exclude the resulting likelihood of confusion.

The Complainant further is of the view that the Respondent has no rights or legitimate interests in the disputed domain name as it has never authorized the Respondent to use its PICARD trademark. The use of the disputed domain name, which is linked to a website reproducing the Complainant’s trademarks and logo on numerous accounts to sell products that users may believe to be related to the Complainant, cannot be considered a bona fide offering of goods and services.

Finally, the Complainant is of the opinion that the disputed domain name was registered and is being used in bad faith. The addition of the letter “r” reveals the Respondent’s intention to create confusion with the Complainant and mislead consumers, and the use made of the disputed domain name as described above,

which amounts to a use in bad faith, clearly demonstrates that the Respondent was aware of the Complainant's trademark when he registered the disputed domain name.

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".

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name is identical or confusingly similar to a trademark or a 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.

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. The mere addition of the letter "r" does not prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar 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.

Panels have held that the use of a domain name for an illegitimate activity, here creating a website reproducing the Complainant's logo but selling products different to the Complainant's products under the trademark "PICARD" to mistakenly lead users to believe that the website attached to the disputed domain name would be affiliated to the Complainant, 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 was obviously aware of the Complainant's PICARD trademarks when he registered the disputed domain name as the linked website displays the Complainant's PICARD trademark and logo on numerous accounts. As a result, there is no doubt that the dispute domain name was registered 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 held that the use of a domain name for illegitimate activity, here creating a website reproducing the Complainant's logo but selling products different to the Complainant's products under the trademark "PICARD" to mistakenly lead users to believe that the website attached to the disputed domain name would be affiliated to the Complainant, 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.

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 <picarrd.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: April 10, 2025