

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2025-0634

1. The Parties

The Complainant is Les Parfumeries Fragonard, France, represented by MIIP MADE IN IP, France.

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

2. The Domain Name and Registrar

The disputed domain name <fragonard.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 February 18, 2025. On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 March 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 25, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on April 30, 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 headquartered in Grasse, France, and is a company specialized in the perfumery field which commercializes its products all over the world.

The Complainant is the owner of a number of registered trademarks including in the United Kingdom, in class 3 for the term FRAGONARD, registered on May 23, 1997, No 2044420; in the United States of America, in class 3 for the term FRAGONARD registered on December 31, 1996, No 2026820; and in the European Union in classes 1, 5, 6, 7, 10, 11, 12, 13, 15, 17, 19, 22, 27, 34, 39, 40, 43, 45, registered on February 20, 2012, No 010225233.

The Complainant also owns a number of domain names that all link to its principal website at "www.fragonard.com".

The disputed domain name was registered on February 12, 2025, and resolves to a parking page with pay-per-click ("PPC") links related to the perfumery field.

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 for the purposes of the first element, the extension '.online' is not a crucial element in the comparison, which permits any likelihood of confusion to be excluded. The Complainant therefore says that the disputed domain name is identical to its FRAGONARD trademark, or if not identical then it is clearly confusingly similar.

The Complainant says that the Respondent has no right to include the mark FRAGONARD in the disputed domain name since it only registered the latter long after the Complainant registered its trademark. The Complainant also points out that it has no business relationship with the Respondent and that it has neither authorized nor licensed the Respondent in relation to the use of its trademarks in any way. The disputed domain name resolves to a parking page, which the Complainant says reflects the absence of any rights or interests.

Such passive holding also does not prevent a finding of bad faith, the Complainant argues. The Complainant says that the following elements are to be taken into account in determining bad faith: the degree of distinctiveness or reputation of the complainant's mark; the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and the implausibility of any good faith use to which the domain name may be put.

The Complainant points out that it commercializes its perfume products all over the world, and has a long history in that field in Grasse, France, where it is headquartered, and which the Complainant says is the world capital of perfumes. Fragonard marked products are sold all over the world, including in luxury hotels, and sold online. Commercials and advertising generally have resulted in an extensive global reputation for the brand Fragonard, and the Complainant says it is also well known by this name for its support of the perfume industry generally. The Complainant points out that a previous panel considered Fragonard to be a well-known mark. The Complainant contends that taking all these matters into account, it is difficult to imagine that the Respondent has registered the disputed domain name by chance or coincidence.

Furthermore, the Complainant contends, simple Google or Global Brand database searches, which the Respondent was obligated to undertake before registering the disputed domain name, would have revealed

that Fragonard is a famous trademark in the field of perfumes. Moreover, the Respondent has created a mail exchanger record (MX Record) which allows it to use email addresses with the suffix @fragonard.online; the Complainant points to the fact that previous UDRP Decisions have inferred bad faith from the activation of the MX servers.

B. Respondent

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

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 the trademark FRAGONARD for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is identically reproduced within the disputed domain name and the extension '.online' is to be ignored for the purpose of comparison. 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.

The disputed domain name resolves to a parking page and from the record no other use or actions have been undertaken by the Respondent in relation to it. The Respondent is not known by the term FRAGONARD or the disputed domain name and has not been authorized to use that mark by the Complainant. The trademark FRAGONARD is distinctive, widely used around the world and of long standing in the field of perfumes. The Respondent appears to still be hidden behind a privacy service, as revealed by the Registrar upon request from the Center. 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. 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 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 has made no use of the disputed domain name other than to link to a parking page comprising of PPC links, and such use in this case falls within paragraph 4(b)(iv) of the Policy. The Panel further notes that the use of the disputed domain name is nonetheless in bad faith since the disputed domain name consists of the distinctive and widely known trademark FRAGONARD belonging to the Complainant. It is almost impossible in the circumstances, where the disputed domain name is identical to the Complainant's trademark, and also the Respondent has given manifestly false or inadequate information about its identity when registering the disputed domain name, that any good faith use would be possible in the absence of approval or authorization from the Complainant. The Respondent has not simply used a shield for the purposes of privacy, but according to the Record has actually provided information when the disputed domain name was being registered that is incapable of properly identifying them. The creation of MX records is not in itself necessarily indicative of bad faith intentions but taken together with the other circumstances it is not unreasonable to infer that such nefarious use is a possible reason for the registration of the disputed domain name.

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 <fragonard.online> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: May 14, 2025