

ADMINISTRATIVE PANEL DECISION

Bal Du Moulin Rouge v. Ion Kostylev, vencom ltd
Case No. D2025-0735

1. The Parties

The Complainant is Bal Du Moulin Rouge, France, represented by CASALONGA, France.

The Respondent is Ion Kostylev, vencom ltd, France.

2. The Domain Name and Registrar

The disputed domain name <moulinrougeticket.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Anonymous) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 February 25, 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 March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 31, 2025.


The Center appointed Nathalie Dreyfus as the sole panelist in this matter on April 3, 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 company duly organized under the laws of France and operates the internationally renowned "Moulin Rouge" theatre, located in Paris. Established in 1889, the Moulin Rouge is widely recognized as the birthplace of the modern form of the can-can dance. It has since become one of the most famous cabarets in the world and a major tourist attraction. The Complainant offers musical and dance entertainment to an international clientele and also hosts events such as private receptions and corporate functions.

The Complainant has continuously used the mark MOULIN ROUGE in connection with its cabaret and related services for over a century and is known worldwide under this name. It has developed substantial goodwill and recognition associated with the MOULIN ROUGE brand and has invested significantly in the promotion of its activities and intellectual property.

The Complainant has submitted evidence of ownership of numerous trademark registrations for the mark MOULIN ROUGE across various jurisdictions. Among these, the following registrations are particularly relevant to the present proceeding:

1. International trademark registration MOULIN ROUGE No. 1016676 registered on June 12, 2009, covering goods and services in Classes 3, 9, 11, 14, 16, 18, 20, 21, 24, 25, 32, 33, 41, and 43, designating inter alia China and countries within the European Union. The registration is active and has been duly renewed.
2. EU trademark registration MOULIN ROUGE No. 000110437 filed on April 1, 1996, registered on November 5, 1998, in classes 3, 14, 18, 25, 32, 33 and 41. The registration is active and has been duly renewed.
3. EU trademark registration  No. 010841567 filed on April 26, 2012 and registered on September 24, 2012, in classes 3, 4, 9, 11, 14, 16, 18, 20, 21, 24,30, 32, 33, 41 and 43. The registration is active and has been duly renewed.
4. To promote its reputation on the Internet, the Complainant registered numerous domain names including:
 - <moulin-rouge.com> registered since February 9th, 1998;
 - <moulinrouge.com> registered since May 15th, 1998;
 - <moulinrouge.fr> registered since March 23rd, 1999;
 - <moulin-rouge.fr> registered since October 27th, 1999;
 - <moulinrougeticket.store> registered since September 13th, 2023;
 - <moulinrougetickets.com> registered since September 27th, 2022 (transfer of this domain name obtained by a UDRP decision);
 - <moulinrougetickets.net> registered since August 8th, 2024 (transfer of this domain name obtained by a UDRP decision).

The disputed domain name is <moulinrougeticket.com>, registered on August 14, 2024.

The Respondent is Mr. Ion Kostylev, associated with the company Vencom Ltd.

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 <moulinrougeticket.com> incorporates the Complainant's MOULIN ROUGE trademark in its entirety. The disputed domain name further includes the generic word "ticket," which enhances the likelihood of confusion. The term "ticket" directly refers to one of the Complainant's core commercial activities – namely, the sale of tickets for performances at the Moulin Rouge theatre. The combination of this descriptive term with the Complainant's well-known trademark creates a false impression that the Respondent is affiliated with or authorized by the Complainant.

The Complainant confirms that it has no commercial or legal relationship with the Respondent, Mr. Ion Kostylev or the company Vencom Ltd. It has never granted any license, authorization, or permission to the Respondent to register or use its trademarks, including in connection with the disputed domain name, which demonstrates the lack of the Respondent's legitimate interest.

Furthermore, the Complainant provides evidence that the disputed domain name previously resolved to a website falsely presenting itself as an official Moulin Rouge ticketing platform. The site not only used the Complainant's MOULIN ROUGE trademarks without authorization, but also reproduced protected images of its shows, misleading consumers into believing the website was affiliated with the official Moulin Rouge entity. The Complainant claims that these actions, combined with the commercial nature of the services offered on the website, cannot be considered a bona fide offering of goods or services, nor legitimate noncommercial or fair use under the Policy.

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 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 terms, here, "ticket", 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.

As noted in prior UDRP decisions, the MOULIN ROUGE trademarks have acquired significant recognition and enjoy a well-known status. Previous, panels have already considered that domain names such as <moulinrougetickets.com> and <moulinrougetickets.net> were confusingly similar to the Complainant's trademarks and ordered their transfer to the Complainant.

The Panel therefore 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). [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 has confirmed that it has no relationship whatsoever with the Respondent, Mr. Ion Kostylev or the company Vencom Ltd. No license, authorization, or permission has ever been granted to the Respondent to use the Complainant’s MOULIN ROUGE trademark, including in connection with the domain name at issue.

The disputed domain name previously redirected to a misleading website, which used the Complainant’s trademarks and photographic content to create a false impression of legitimacy. The site appeared to offer tickets to MOULIN ROUGE shows, despite no evidence that the Respondent was an authorized distributor. This unauthorized use of the Complainant’s trademarks and imagery was carried out in a manner that could easily mislead Internet users into believing that the website was endorsed by or affiliated with the Complainant, especially as it referred to itself as an “official authorized and trusted partner of the venue”.

In similar cases, Panels have held that the use of a domain name for impersonation and misleading association (including the unauthorized reproduction of a trademark and the collection of personal data under false pretenses) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The composition of the disputed domain name, which combines the famous MOULIN ROUGE mark with the term “ticket”, further reinforces the misleading nature of the Respondent’s use, as it suggests affiliation with the Complainant’s core business activity. This is particularly concerning given the potential collection of sensitive personal data, including banking details, under false pretenses.

In addition, the domain name currently does not resolve to any active content, merely returning an error page. This inactivity, when considered alongside the previous abusive use and absence of any plausible legitimate explanation, does not constitute bona fide use under paragraph 4(c)(i) of the Policy.

For all the above-mentioned reasons, 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 undoubtedly aware of the Complainant’s well-known MOULIN ROUGE trademarks at the time of registration of the disputed domain name on August 14, 2024.

The Complainant’s trademarks are internationally registered and widely recognized, particularly in connection with entertainment services and ticket sales. The Complainant has further established that it has never authorized, licensed, or otherwise consented to the Respondent’s use of its trademarks in any form, whether for domain name registration or for the commercial promotion or sale of tickets.

In this regard, the Respondent's prior registration of the domain name <moulinrougetickets.net>, which was also subject to a UDRP complaint by the Complainant (*BAL DU MOULIN ROUGE v. Ion Kostylev, vencom ltd*, WIPO Case No. [D2024-3588](#)), confirms a pattern of conduct targeting the Complainant's well-known brand. The disputed domain name is virtually identical in construction and use, indicating continuity in bad faith behavior.

The Panel finds that the disputed domain name was used to redirect Internet users to a deceptive website that reproduced not only the Complainant's trademarks, but also official images associated with its shows, falsely presenting itself as an "official authorized and trusted partner of the venue". Such wording creates a clear likelihood of confusion, intended to mislead Internet users into believing that the website was affiliated with or endorsed by the Complainant. In so doing, the Respondent aimed to intentionally attract users, for commercial gain, by exploiting the reputation and goodwill attached to the Complainant's trademark. This constitutes a textbook example of bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for impersonation or passing off, particularly where personal data, including potentially sensitive financial information, is collected under false pretenses, 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.

In light of the above, 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 <moulinrougeticket.com> be transferred to the Complainant.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: April 16, 2025