

## **ADMINISTRATIVE PANEL DECISION**

Fondation d'Entreprise Pernod Ricard v. Maxime Cauchon  
Case No. D2025-0771

### **1. The Parties**

The Complainant is Fondation d'Entreprise Pernod Ricard, France, represented by IP Twins, France.

The Respondent is Maxime Cauchon, France.

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

The disputed domain name <fondation-entreprise-ricard.com> is registered with Internet Domain Service BS Corp (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 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, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 February 27, 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 Vincent Denoyelle as the sole panelist in this matter on March 28, 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 foundation dedicated to the promotion of artistic creation. The Complainant's founders are Pernod Ricard and Pernod Ricard France who are worldwide operators in the wine and spirit industry.

The Complainant is the owner of trade marks in the term FONDATION D'ENTREPRISE RICARD, as follows:

- French trade mark FONDATION D'ENTREPRISE RICARD No. 3442859 registered on December 29, 2006; and
- French trade mark FONDATION D'ENTREPRISE RICARD No. 4498121 registered on March 9, 2019

The Complainant used to own the disputed domain name and let it lapse further to the change of the Complainant's legal name from Fondation d'Entreprise Ricard to Fondation d'Entreprise Pernod Ricard.

The disputed domain name was registered on September 29, 2022. The disputed domain name pointed to a website reproducing trade marks owned by the Complainant's founders, suggesting an affiliation with the Complainant and purporting to sell various merchandising items with the RICARD logo of the Complainant's founders, without any authorization or disclaimer. More recently the disputed domain name pointed to a website relating to company registration information and paid services associated with the name "Corentin Ricard".

#### **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 FONDATION D'ENTREPRISE RICARD trade mark since the only difference is the omission of the letter "d" and an apostrophe and the replacement of spaces by hyphens "-" in the disputed domain name.

The Complainant also asserts that further to a trade mark search it carried out, the Respondent does not own any trade mark in FONDATION ENTREPRISE RICARD, FONDATION D'ENTREPRISE RICARD or even on RICARD alone. The Complainant adds that it has not authorized the use of its earlier trade mark or similar terms in the disputed domain name in any manner. The Complainant argues that the use of the name "Corentin Ricard" is self-serving and aimed at creating a false association with the disputed domain name and that (i) the registrant's name as disclosed by the Registrar is completely different and (ii) no company or business is registered in the name of "Corentin Ricard" according to the French Companies Register. In addition, the Complainant contends that the Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services.

The Complainant considers that the disputed domain name was registered and was/is used in bad faith. First, the Complainant submits that it is inconceivable that the Respondent could have ignored the Complainant and its earlier rights. The Complainant adds that the Respondent targeted the Complainant's FONDATION D'ENTREPRISE RICARD trade mark specifically with a view to misleading and attracting Internet users to the Respondent's website. The Complainant points to the fact that its trade marks

significantly predate the disputed domain name. The Complainant considers that the Respondent has registered and is using the disputed domain name so as to increase the visibility of the disputed domain name off the back of the Complainant's FONDATION D'ENTREPRISE RICARD trade mark and so as to increase Search Engine Optimization (SEO) of the website associated with the disputed domain name and other websites linked to the Respondent and the disputed domain name via backlinks.

## **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 trade mark 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 trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is instantly recognizable within the disputed domain name since the only difference between the Complainant's FONDATION D'ENTREPRISE RICARD trade mark and the disputed domain name is the omission of the letter "d" and an apostrophe and the replacement of spaces (which cannot be included in a domain name technically) by hyphens "-". Accordingly, the disputed domain name is confusingly similar to the FONDATION D'ENTREPRISE RICARD trade 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.

The Panel notes the fact that the disputed domain name has been used to direct to a commercial website misleadingly suggesting an affiliation with the Complainant and its founders and that more recently, the disputed domain name pointed to a commercial website likely created via an automated tool, with incomplete parts, and self-servingly using the name “Corentin Ricard” designed to fabricate a sense of legitimate interest in the disputed domain name. The name “Corentin Ricard” does not correspond to the Respondent’s name at all and a search by the Complainant in public databases including the French Companies Register, for the name “Corentin Ricard”, shows that there is no such company or business owner registered in France where the Respondent’s address is located. In the absence of a Response from the Respondent the Panel finds that the current use of the disputed domain name is designed to circumvent the Policy by suggesting that the disputed domain name is used in connection with a bona fide offering where in fact it is not.

In any event, the previous use of the disputed domain name was a clear demonstration of the Respondent’s intention to gain undue profits off the back of the Complainant and its founders.

In addition, the Panel also notes that the composition of the disputed domain name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 disputed domain name is almost identical to the FONDATION D’ENTREPRISE RICARD trade mark as the only difference with it is the omission of the letter “d” and an apostrophe and the replacement of spaces (which cannot be included in a domain name technically) by hyphens “-” in the disputed domain name. The Panel finds that this cannot be a coincidence given the overall circumstances of the present case including (i) the fact that the disputed domain name was registered many years after the registration of the trade mark FONDATION D’ENTREPRISE RICARD, (ii) the substantial renown attached to the Complainant’s founders and the RICARD trade mark, (iii) the fact that the Respondent is located in France where the Complainant has its headquarters and (iv) the fact that the Complainant owned the disputed domain name previously (and still did when the “Corentin Ricard” business claims to have started, in 2019, according to the website associated with the disputed domain name).

As for the use of the disputed domain name in bad faith, the Panel finds that both the past use and the current use of the disputed domain name characterize use in bad faith.

As for the earlier type of use of the disputed domain name, to point to a website reproducing trade marks owned by the Complainant’s founders, suggesting an affiliation with the Complainant and purporting to sell various merchandising items with the RICARD logo of the Complainant’s founders, without any authorization or disclaimer, it clearly indicated the Respondent’s efforts to mislead Internet users and to attract them via the disputed domain name to the Respondent’s website in order to generate undue gains. On this basis, the Panel finds that, as per paragraph 4(b)(iv) of the Policy, through the earlier use of the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product or service on the Respondent’s website or location.

Now turning to the later use of the disputed domain name, the Panel finds that the use of the disputed domain name to point to a website designed to fabricate a sense of legitimate interest in the disputed domain name was merely an effort on the Respondent’s part to circumvent the Policy. Such use would have at the very least, caused initial interest confusion, as a proportion of Internet users visiting the website would be doing so in the expectation of reaching a site of, or authorized by, the Complainant. When reaching the

website, they would then realize that they have been mistaken, but in any event the objective of bringing them there will have already been achieved (see for instance *Mahamayavi Bhagavan "Doc" Antle v. Domains by Proxy, LLC / Carole Baskin, Big Cat Rescue*, WIPO Case No. [D2014-1793](#)) and they might decide to engage with or subscribe to the services of the Respondent. Such use cannot conceivably constitute use of the disputed domain name in good faith.

Finally, given the overall circumstances, the fact that the Respondent chose not to respond to the Complaint and therefore not to come forward with an explanation as to why and how it decided to register and use the disputed domain name, is very telling and reinforces the Panel's finding of bad faith on the part of the Respondent.

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 <fondation-entreprise-ricard.com> be transferred to the Complainant.

*/Vincent Denoyelle/*

**Vincent Denoyelle**

Sole Panelist

Date: April 10, 2025