

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. SDDFG FGF, none, 5 frew, cs, an L,
asdasdaasas , sadas dsad, none
Case No. D2025-0778

1. The Parties

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

The Respondents are SDDFG FGF, none, United States of America (“United States”); 5 frew, cs, Germany; an L, asdasdaasas, Ukraine; and sadas dsad, none, France.

2. The Domain Names and Registrar

The disputed domain names <fragonard-deals.shop>, <fragonard-fr.shop>, <fragonardoutlets.shop>, and <fragonard-2025.shop> are registered with Web Commerce Communications Limited dba WebNic.cc (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 names. On February 26, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin / Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar(s), requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on March 5, 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 named respondents of the Complaint, and the proceedings commenced on March 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 7, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on April 10, 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 established in 1926 in Grasse, France, a city known for its perfumes industry. The Complainant's name was adopted as a tribute to a local famous painter, Jean-Honoré Fragonard. The Complainant is a manufacturer of perfumes, cosmetics, and homeware, and commercializes its products all over the world directly through a lot of stores and corners using the Fragonard commercial name, by means of mail-order catalogue and via its online store available on the website <fragonard.com>.

The Complainant's products are also distributed in prestigious hotels all over the world as gifts for the clients and via a strong international distribution network. The Complainant owns worldwide trademark registrations for FRAGONARD, such as the following:

- the European Union trademark registration number 012235941 for the word FRAGONARD, filed on October 18, 2013, and registered on March 12, 2004, covering goods and services in classes 3, 4, and 35;
- the United States trademark registration number 2026820 for the stylized word FRAGONARD, filed on November 14, 1995, and registered on December 31, 1996, covering goods in class 3.

The Complainant inter alia offers its products through its website which is accessible via "www.fragonard.com".

The disputed domain names were registered between February 21 and 22, 2025.

The disputed domain names currently do not resolve to any active websites. Before the disputed domain names resolved to websites that showed the FRAGONARD trademark and these sites presented themselves as e-shops offering FRAGONARD products (perfumes, cosmetics, accessories, etc.).

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 names.

Notably, the Complainant contends the following:

The trademark FRAGONARD is highly distinctive in relation to the perfume and cosmetics industry.

There is no business or legal relationship between the Complainant and the named respondents. The Complainant has neither authorized nor licensed the named respondents to use its trademarks in any way. The risk of confusion is very high for consumers who will think that the named respondents are an authorized retailer of the Complainant, which is not the case.

The named respondents use the Complainant's logo. It is consequently obvious that, the named respondents could not ignore that the Complainant has many rights in relation to FRAGONARD, and the named respondents have no reason to register the disputed domain names except only, the aim to create traffic on its web pages using the Complainant's well-known trademark. It is obvious that the named respondents have registered the disputed domain names to take undue advantage of the Complainant's trademark.

Furthermore, the named respondents in relation to the four disputed domain names are, in fact, the same entity and/or that all disputed domain names are under common control and therefore the Complainant requests consolidation of the complaint. The Complainant's contentions in respect of the consolidation are discussed in more detail below, to the extent necessary.

B. Respondent

The named respondents did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that (i) the disputed domain names were registered with the same Registrar, (ii) the disputed domain names were registered in the same short period of time i.e. between February 21 and 22, 2025, (iii) in relation to all four disputed domain names the details of the named respondents do not correspond to an actual existing location, and (iv) the websites to which the disputed domain names resolved had a similar character, presenting themselves as e-shops offering FRAGONARD products (perfumes, cosmetics, accessories, etc.).

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Matter

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 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 names. Accordingly, the disputed domain names are 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, "deals", "fr", "outlets" and "2025" in the disputed domain names may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Noting the lack of response, the Panel finds that the Respondent was creating the false impression that the website to which the disputed domain names resolved, was either operated or endorsed by the Complainant. Even if the Respondent was offering the goods or services marketed by the Complainant, the Respondent would not make fair use of the Complainant's trademark in the disputed domain names. UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, and such fair use is qualified under the so-called "Oki Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Oki Data test.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.2.B.

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. 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.

The Panel finds that the Respondent's registration and use of the disputed domain names in such a manner demonstrates registration and use in bad faith, because the Respondent has intentionally attempted to create a likelihood of confusion with the Complainant, most likely in order to increase traffic on the website to which the disputed domain name resolved and commercially benefit from the Complainant's trademark and/or to impersonate the Complainant.

The Panel also notes that it is beyond reasonable doubt that the Complainant and its activities are clearly known to the Respondent and the Respondent sought to profit from the Complainant's success.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes bad faith. 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 also takes into consideration that the Respondent clearly provided false address details when registering the disputed domain names.

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 names <fragonard-deals.shop>, <fragonard-fr.shop>, <fragonardoutlets.shop>, and <fragonard-2025.shop> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: April 24, 2025