

ADMINISTRATIVE PANEL DECISION

Holding Benjamin et Edmond de Rothschild, Pregny Société Anonyme v.
ROTHSCHILD RAILWAYS CONSTRUCTION, Rothschild international
Family foundation
Case No. D2025-0869

1. The Parties

Complainant is Holding Benjamin et Edmond de Rothschild, Pregny Société Anonyme, Switzerland, represented by OX Avocats, France.

Respondent is ROTHSCHILD RAILWAYS CONSTRUCTION, Rothschild international Family foundation, Panama.

2. The Domain Name and Registrar

The disputed domain name <edmond-the-rothschild.com> is registered with Dreamscape Networks International Pte Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2025. On March 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 5, 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 ADMINISTRATOR, PRIVATE REGISTRY AUTHORITY) and contact information in the Complaint. The Center sent an email communication to Complainant on March 7, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 10, 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 Respondent of the Complaint, and the proceedings commenced on March 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 14, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on April 22, 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

Complainant is a financial services company originally created in 1953. Complainant offers its services through its official <edmond-de-rothschild.com> domain name and website. Complainant owns valid and subsisting registrations for the EDMOND DE ROTHSCHILD trademark in numerous jurisdictions and regions, including the International Registration for EDMOND DE ROTHSCHILD (Reg. No. 1,046,701) registered on June 21, 2010.

Respondent registered the disputed domain name on January 26, 2025. At the time this Complaint was filed, the disputed domain name was configured to redirect to Complainant's official website, namely "www.edmond-de-rothschild.com" without Complainant's authorization.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant asserts ownership of the EDMOND DE ROTHSCHILD trademark and has adduced evidence of trademark registrations in numerous regions and jurisdictions around the world including the International Registration for EDMOND DE ROTHSCHILD (Reg. No. 1,046,701), with registration dating back to June 21, 2010. The disputed domain name is confusingly similar to Complainant's EDMOND DE ROTHSCHILD trademark, according to Complainant, because it simply replaces "de" with the article "the", and replaces spaces with hyphens due to the technical constraints of the domain name system.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship, license or authorization between Complainant and Respondent; the lack of any evidence that Respondent has been commonly known by the disputed domain name; and the distinctive nature of Complainant's EDMOND DE ROTHSCHILD trademark.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: the well-known nature of Complainant's EDMOND DE ROTHSCHILD trademark; Respondent's use of the disputed domain name to redirect to Complainant's official website; and the risk that Respondent will use the disputed domain name to send phishing emails impersonating Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. 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.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g. where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7. In this Complaint, Respondent has merely transposed the French preposition "de" from Complainant's EDMOND DE ROTHSCHILD trademark with the English article "the". It is also well established that neither the mere addition nor removal of a hyphen is sufficient to dispel confusing similarity. See *Chernow Comm'ns, Inc. v. Kimball*, WIPO Case No. [D2000-0119](#) (holding "that the use or absence of punctuation marks, such as hyphens, does not alter the fact that a name is identical to a mark").

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant must make out a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name, shifting the burden of production on this element to Respondent to come forward with evidence demonstrating such rights or legitimate interests. Where, as in this Complaint, Respondent fails to come forward with any relevant evidence, Complainant is deemed to have satisfied the second element of the Policy. WIPO Overview, section 2.1. As a threshold matter, it is evident from the record that Respondent, identified in the registration details for the disputed domain name as "ROTHSCHILD RAILWAYS CONSTRUCTION", is not commonly known by the disputed domain name or "Rothschild Railways Construction". Rather, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with Complainant.

In addition, from the record in this case, it is evident that Respondent was, and is, aware of Complainant and its trademark and does not have any rights or legitimate interests in the disputed domain name. Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a

legitimate noncommercial or fair use. Rather, the evidence demonstrates that Respondent has used the disputed domain name to divert Internet users to Complainant's own website. Use of the disputed domain name to redirect Internet users to Complainant's own website cannot confer any rights or legitimate interests in the disputed domain name to Respondent. See *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#) ("Furthermore, panels have found that unauthorized redirection to Complainant's website does not serve as evidence of rights or legitimate interests. *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#).").

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i) Circumstances indicating that Respondent has registered, or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark or to a competitor of that Complainant, for valuable consideration in excess of Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii) Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii) Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv) By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Use of a domain name incorporating a trademark by an unauthorized third party to redirect Internet users to either a complainant's or a competitor's website is strong evidence of bad faith under paragraph 4(b)(iv) of the Policy. WIPO Overview, section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: ... redirecting the domain name to the complainant's (or a competitor's) website...."). A respondent redirecting a domain name to a complainant's website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant. See *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#). See also *The Sportsman's Guide, Inc. v. JoyRide*, WIPO Case No. [D2003-0153](#) ("The registration and use of domain names which the Respondent had reason to know were confusingly similar to the Complainant's trademark, in order to divert the Complainant's would-be customers down a route that would trigger a commission for the Respondent, was manifestly below the standards of acceptable commercial behavior. Such use was in bad faith, notwithstanding the fact that the re-routed visitors probably never knew that they had not reached the Complainant's site directly"). Here, Respondent has misappropriated Complainant's EDMOND DE ROTHSCILD trademark in the disputed domain name, configured it to redirect to Complainant's official website, and failed to participate in these proceedings to explain its actions.

It is evident that Respondent registered and used the disputed domain name nearly identical to Complainant's trademark and domain name to intentionally attract, for commercial gain, Internet users to the website linked to the disputed domain name in a manner that confuses and misleads Internet users. Thus,

the Panel infers Respondent's bad faith based on the fact that Respondent is trying to gain profit of mistakes such as typographical errors made by Internet users, when inputting the expression "Edmond-**the**-Rothschild" instead of "Edmond-**de**-Rothschild" into a web browser.

The Panel finds the third element of the Policy has been established.

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 <edmond-the-rothschild.com> be transferred to Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: April 30, 2025