

ADMINISTRATIVE PANEL DECISION

DOREL FRANCE v. Ahmed Jabali

Case No. D2025-0892

1. The Parties

The Complainant is DOREL FRANCE, France, represented by BIGNON LEBRAY, France.

The Respondent is Ahmed Jabali, Morocco.

2. The Domain Name and Registrar

The disputed domain name <bebeconfortpluss.shop> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 4, 2025. On March 5, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 6, 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 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 the Respondent of the Complaint, and the proceedings commenced on March 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on April 14, 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 public company established in 1962. The French company operates, throughout the world, in two distinct business segments consisting of products for babies and children and home furnishing with several brands and products with a total revenue near to USD 1.4 billion.

The Complainant is the owner of the following trademark registrations for BEBE CONFORT:

- European Union trademark registration BEBE CONFORT & LOGO No. 018450649 filed on April 9, 2021 and registered on October 27, 2021 in classes 5, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 24, 25, 28 and 35,
- European Union trademark registration BEBE CONFORT & LOGO No. 008137911 filed on March 5, 2009 and registered on June 16, 2016 in classes 5, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 24, 25, 28 and 35,
- French trademark registration BEBE CONFORT & LOGO No. 3605194 filed on October 16, 2008 and registered on March 20, 2009 in classes 3, 5, 6, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 24, 25, 28 and 35,
- French trademark registration BEBE CONFORT No.1692658 filed on September 10, 1991 and registered on February 14, 1992 in classes 3, 5, 8, 10, 11, 12, 16, 18, 20, 21, 22, 24, 25, 28, 29, 30 and 32,
- French trademark registration BEBE CONFORT No.1525997 filed on April 25, 1989 and registered on October 6, 1989 in classes 10, 12, 20, 21 and 25,
- French trademark registration BEBE CONFORT & LOGO No.1478277 filed on February 13, 1987 and registered on January 6, 1989 in classes 3, 5, 10, 11, 12, 18, 20, 21, 25, 28, 42, 45.

The Complainant operates inter alia the domain name <bebeconfort.com>.

The disputed domain name was registered on January 20, 2025, and at the time of the filing of the Complaint, the disputed domain name was resolving to an active website impersonating the Complainant's website for the same products that are mainly strollers.

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 identical or at least confusingly similar to the Complainant's trademark BEBE CONFORT and the addition of the term "pluss" and the gTLD ".shop" is not sufficient to distinguish the disputed domain name from the mark but on the contrary, such addition reinforces the association of the disputed domain name with the Complainants' mark.

The Complainant considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainant has neither licensed nor otherwise authorized the Respondent to use its marks or to apply for or use any domain name incorporating the trademarks of the Complainant and the Respondent does not appear to be known by the disputed domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant asserts that the Respondent was aware of the rights that the Complainant has in the trademark at the time of its registration, considering the use of the website linked to the disputed domain name.

The Complainant claims that the Respondent is using the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark and for the purpose of disrupting the Complainant's business and targeting the Complainant's trademarked products.

Doing that, the Respondent has used a privacy shield in order to hide its identity, which together with other elements, reinforces the element of bad faith.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove the followings:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 disputed domain name integrates the Complainant's BEBE CONFORT trademark in its entirety, as its dominant element.

The disputed domain name differs from the registered BEBE CONFORT trademark by the additional descriptive word "plus" with an additional "s" letter (which seems to be an intended misspelling), as well as the generic Top-Level Domain ("gTLD") ".shop". The additional descriptive word "pluss" would not prevent a finding of confusing similarity under the first element.

Several UDRP panels have ruled that the mere addition of a descriptive element does not sufficiently differentiate a disputed domain name from a complainant's registered trademark.

As regards the gTLD, it is typically disregarded under the confusing similarity test.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

The Panel finds that the Complainant has established the first element of the Policy.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the [WIPO Overview 3.0](#).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademark.

The Respondent has not filed a Response. Furthermore, the Panel finds that the disputed domain name carries a risk of implied affiliation with the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Complainant has made out its prima facie case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainant succeeds in relation to the second element of the Policy.

C. Registered and Used in Bad Faith

At the time of registration of the disputed domain name, the Complainant's trademark BEBE CONFORT was well-known trademark for a very long time in France and in Europe.

As the Complainant submits, it is inconceivable that the Respondent would not have known of the Complainant's mark.

The Panel finds that the Respondent is using the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's famous trademark.

As a matter of fact, considering;

- the use of the Complainant's well-known trademark within the disputed domain name
- the striking similarity between the Complainant's images and of the image on the Respondent's website
- the use of the Complainant's trademark for the identical goods, namely strollers
- the language of the website
- the use of telephone number in France
- the use of an e-mail "...@bebeconfortplus.com" which is different than the disputed domain name.

it is clear that the Respondent has targeted the Complainant and its well-known trademark to benefit its own commercial activities.

The Respondent's registration of the disputed domain name incorporating the Complainant's mark that is resolving to a website impersonating the Complainant's website clearly constitutes bad faith use, and registration.

Therefore, the only reason for the registration of the disputed domain name by the Respondent must have been with bad faith intent to use it to exploit, for commercial gain, the Complainant's reputation. The Respondent has used the disputed domain name for precisely that purpose.

Lastly, the Panel observed that the Respondent used a privacy shield. While the Respondent's use of a privacy service will not in itself constitute bad faith under the Policy, the Panel may still take it into account and draw adverse inferences under certain circumstances.

The use of the privacy shield in this case together with other elements gives rise to the suspicion that the privacy shield was used to mask the identity of the underlying registrant, to give impression that the Complainant is behind the disputed domain name.

Given the Respondent's lack of participation in this proceeding, the lack of any credible good-faith use to which the confusingly similar disputed domain name could be put, and the Respondent's use of privacy service, the totality of circumstances supports an inference of bad faith.

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

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 <bebeconfortpluss.shop> be transferred to the Complainant.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: April 30, 2025