

ADMINISTRATIVE PANEL DECISION

STUDIO PEYO S.A. v. 石磊 (Lei Shi)

Case No. D2025-0947

1. The Parties

Complainant is STUDIO PEYO S.A., Switzerland, represented by Gevers Legal NV, Belgium.

Respondent is 石磊 (Lei Shi), China.

2. The Domain Name and Registrar

The disputed domain name <peyocompany.com> is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2025. On March 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 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) and contact information in the Complaint. The Center sent an email communication in Chinese and English to Complainant on March 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on March 17, 2025.

On March 12, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On March 17, 2025, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 in both Chinese and English, and the proceedings commenced on March 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 11, 2025.

The Center appointed Yijun Tian as the sole panelist in this matter on April 23, 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

A. Complainant

Complainant is STUDIO PEYO S.A., a company incorporated in Switzerland. It is an entertainment entity dedicated to promoting and preserving the legacy of Belgian cartoonist and screenwriter Pierre Culliford, widely known by his pseudonym Peyo. Founded in 1984 by Peyo's daughter, Véronique Culliford, International Merchandising Promotions & Services (IMPS) was established to manage and oversee the intellectual property rights associated with Peyo's characters.

Complainant is the owner of numerous PEYO COMPANY trademarks worldwide, including the Swiss trademark registration for PEYO COMPANY, registered on September 9, 2024 (registration number: 819894).

B. Respondent

Respondent is 石磊 (Lei Shi), China.

The disputed domain name <peyocompany.com> was registered on June 11, 2024.

According to the Complaint and relevant evidence provided by Complainant, the disputed domain name redirected to a webpage where the disputed domain name was offered for sale. After Complainant submitted a bid of USD 25 to purchase the disputed domain name, the price raised up to USD 59,800 (Annex 10 to the Complaint).

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is identical to Complainant's trademark. The disputed domain name incorporates Complainant's trademark in its entirety.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain name.

Complainant contends that the disputed domain name was registered and is being used in bad faith.

Complainant requests that the disputed domain name be transferred to it.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondent to the effect that the language of the proceeding should be English. Complainant filed initially its Complaint and amended Complaint in English, and has requested that English be the language of the proceeding for the following reasons:

- (a) The disputed domain name redirects to a holding page displayed in English (see Annex 3 to the Complaint). As Respondent controls the domain name's use, including redirection, it is reasonable to conclude that Respondent understands English.
- (b) Complainant, based in Switzerland, is not proficient in Chinese, the language of the Registration Agreement. Requiring translation would cause delay, impose unnecessary costs, and place an unfair burden on Complainant.
- (c) Although Respondent has its address in China, there is no indication that Respondent cannot understand English. On the contrary, the redirection to an English-language page suggests otherwise.
- (d) Proceeding in English will not prejudice Respondent but would avoid significant procedural burdens for Complainant. It is therefore both fair and efficient to adopt English as the language of the proceedings.

Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

On the record, Respondent appears to be located in China and thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, particularly in English (i.e., English word "company", rather than Chinese script; (b) the generic Top-Level Domain ("gTLD") of the disputed domain name is ".com", so the disputed domain name seems to be prepared for users worldwide, particularly English speaking countries; (c) the webpages which the disputed domain name redirected to are in the English language; (d) the Center has notified Respondent of the language of the proceeding in both Chinese and English; (e) the Center also notified Respondent in both Chinese and English of the Complaint, and informed Respondent that it would accept a response in either English or Chinese, but Respondent chose not to file any response.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues: Three Elements

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.

Based on the available record, the Panel finds 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 entirety of the PEYO COMPANY mark is reproduced within the disputed domain name. More specifically, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

More specifically,

(i) there has been no evidence adduced to show that Respondent used the disputed domain name in connection with a bona fide offering of goods or services. Respondent has not provided evidence of reasons to justify the choice of the terms “peyo company”, which, as combined, is Complainant’s PEYO COMPANY trademark that enjoys long-standing prior use, in the disputed domain name. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the PEYO COMPANY or to apply for or use any domain name incorporating the PEYO COMPANY marks;

(ii) there has been no evidence adduced to show that Respondent has been commonly known by the disputed domain name. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain name. Respondent registered the disputed domain name on the same day when Complainant publicly announced the rebranding of its licensing company from IMPS to Peyo Company. The disputed domain name is identical to Complainant’s PEYO COMPANY marks; and

(iii) there has been no evidence adduced to show that Respondent was making a legitimate noncommercial or fair use of the disputed domain name. Notably, the disputed domain name redirected to a webpage where the disputed domain name was offered for sale. In the circumstances, Respondent’s use of Complainant’s mark to redirect users to an aftermarket website where it is offered for sale would not support a claim to rights or legitimate interests.

Based on the available record, 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 Respondent has registered and used the disputed 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.

Further, [WIPO Overview 3.0](#), section 3.8.2 identifies circumstances where a domain name may be found to be registered in bad faith even when the complainant had not yet acquired trademark rights. It provides:

"... in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. Such scenarios include registration of a domain name: (i) shortly before or after announcement of a corporate merger, (ii) further to the respondent's insider knowledge (e.g., a former employee), (iii) further to significant media attention (e.g., in connection with a product launch or prominent event), or (iv) following the complainant's filing of a trademark application."

In this case, Respondent registered the disputed domain name on the same day when Complainant publicly announced the rebranding of its licensing company from IMPS to Peyo Company. The disputed domain name is identical to Complainant's PEYO COMPANY trademark. Given the timing, it is not conceivable that Respondent was unaware of Complainant's trademark at the time of registration.

Based on the information provided in the Complaint, following the registration, Respondent offered the disputed domain name for sale at USD 20. On December 20, 2024, Complainant submitted a bid of USD 25, which Respondent rejected. The bid was made via an account belonging to a Complainant's employee, using his corporate email (Annex 9 to the Complaint). The disputed domain name was later listed for sale at USD 59,800 (Annex 10 to the Complaint).

Thus, the Panel concludes, on the balance of probabilities, that Respondent's registration and use of the disputed domain name is primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to Complainant or to a competitor of Complainant, for valuable consideration likely in excess of the documented out-of-pocket costs directly related to the disputed domain name. Such use constitutes bad faith pursuant to paragraph 4(b)(i) of the Policy.

Based on the available record, 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 <peyocompany.com> be transferred to Complainant.

/Yijun Tian/

Yijun Tian

Sole Panelist

Date: May 19, 2025