

ADMINISTRATIVE PANEL DECISION

CATERINA TIMPANO aka (BELLE FOLIE) v. Domain Registrar, Isabell Aga Engelsen

Case No. D2025-0958

1. The Parties

The Complainant is CATERINA TIMPANO aka (BELLE FOLIE), Australia, self-represented.

The Respondents are Domain Registrar, United States of America, and Isabell Aga Engelsen, Norway, represented by Creo, Norway.

2. The Domain Name and Registrar

The disputed domain name <bellefoliemusic.com> is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 9, 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 10, 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 (Isabell Aga Engelsen) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 12, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Response was filed with the Center on April 1, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on April 9, 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

According to the Complaint, the Complainant is a freelance artist and music composer operating under the stage name “Belle Folie” with a registered business address in Melbourne, Australia. The Complainant began using this stage name in 2016, having entered the music industry in 1993, and expanded into sound engineering in 2004. The Complainant claims, but does not evidence, that its stage name has grown to be well known and has cultivated a unique following within the cabaret, film, and media industries. On August 27, 2016, the Complainant was announced as a finalist in the 2016 Australian Independent Music Awards. The Complainant shared a link on artist community platform Soundcloud to its first release, “Sink or Swim”, by email on September 24, 2016 (release due on October 7, 2016), then describing itself as “new to the scene as an indie artist”. Since that date, the Complainant has maintained a presence on the music community website Bandcamp, on which it distributes its work and engages with followers. The Complainant also states (but does not directly evidence) that it engages with fans by email.

The Complainant notes that it does not claim to hold a strong visibility on social media but maintains a presence via its stage name on Instagram “@thebellefolie” (410 followers, 199 following, 20 posts), Soundcloud “BELLE FOLIE” (37 followers, 21 following), Bandcamp “bellefolie”, YouTube “bellefoliemusic5937” (17 subscribers), and Facebook (332 friends, last post December 11, 2016). The Complainant appeared as “Belle Folie” on the front pages a magazine named “Surreal Beauty”, being the issue dated October 2016. Other magazine-style images of the Complainant are provided but are not dated and the publication in which they appeared is not separately identified in the Complaint. The second example, entitled “MUSIC BELLE FOLIE” states that the Complainant’s second release is due on February 26, 2017, suggesting that the magazine predates this, and a further two examples appear to be page numbers 38 and 39 of an unknown publication using the letters “SB”, suggesting that they may also be from “Surreal Beauty”. The last two entries reference the Complainant as “Belle Folie COVER MODEL”.

The Complainant does not hold registered trademark rights in its said stage name but claims unregistered trademark rights based upon its use of the same since 2016.

The Complainant was formerly the holder of the disputed domain name. It registered the disputed domain name in 2019, hosting a website for it via WordPress from June 2019, and kept it continuously renewed until March 27, 2023 (with an expiration date of March 27, 2024). On March 28, 2024, the Complainant received an email from WordPress indicating that the disputed domain name had expired on the preceding day and encouraging the Complainant to renew it. The Complainant was unable to do so for various personal reasons, and the disputed domain name lapsed.

According to RDAP data, the disputed domain name was registered by or on behalf of the Respondent on August 1, 2024. The Respondent is a Norwegian artist, composer, and music producer, with a background in multimedia. The Respondent launched a band project called “Bellefolie” together with the Respondent’s husband in late 2023. The Respondent shows that it is a verified artist on Spotify with 4,001 monthly listeners (machine translated by the Panel from the Respondent’s screenshot of its “Bellefolie” Spotify artist page). The Respondent lists some seven recent concerts at which it has performed under the name “Bellefolie” as the main act, spanning from August 24, 2024 to March 4, 2025.

The Respondent provides evidence by way of an email exchange with a third party indicating that it chose its band name between November and December 2023.

On November 21, 2023, an individual identified mainly by the initials “AK” (whose full name also appears to be in some of the email entries but which is unnecessary to repeat here) writes to the Respondent stating, “In regards to your name, this is of course fully your decision to make but I like the idea of having a French name? [...]”. On December 5, 2023, “AK” writes again, stating, “Did you decide on a name now? [...]”. On December 7, 2023, the Respondent writes (presumably to “AK”, given the thread), “Artist/Band name (the never-ending story) [...] I made lots of lists [...] Here are some options:” [there follows a list of some eight French words or phrases, the second of which is “bellefolie”]. The Respondent goes on, “[...] bellefolie” reminds me of the time when me and a friend of mine shared a flat in Paris and read about ‘la folie’ in French literature. The expression is related to the topics I explore in my lyrics, inspired by both Camus, Sartre and Proust. [...] The term can possibly have negative connotations as well, but by placing the word ‘belle’ in front, one can counteract this. ‘belle’ does of course also remind me of me, and my name [...]”. On December 12, 2023, “AK” replies, “[...] Personally, I like bellefolie but of course it needs to be 100% your decision”. Later on December 12, 2023, the Respondent replies, “[...] I like bellefolie as well, and it totally feels like me”.

Correspondence between the Parties was initiated by the Complainant, including the issuing of a cease and desist notice in October 2024, which received a rebuttal from the Respondent. The Parties have not been able to reach an amicable settlement regarding the disputed domain name.

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 it possesses unregistered trademark rights in its said stage name covering services as an artist and musician from 2016, based upon the use described in the factual background section above.

The Complainant notes that there exists no legitimate relationship between the Respondent and the Complainant that would amount to any license, permission, or authorization to register or use the disputed domain name. The Complainant asserts that the Respondent has a clear intent to profit from the Complainant’s established personal brand recognition, to misdirect its intended Internet traffic and to ride upon the goodwill of the Complainant’s identity, adding that the Respondent cannot claim rights or legitimate interests in the disputed domain name because it has intentionally traded on the goodwill and reputation of another, and this cannot constitute a bona fide offering of goods or services.

The Complainant asserts that the timing of the registration of the disputed domain name, occurring shortly after its lapse, is no coincidence but strongly suggests that the Respondent was fully aware of the Complainant’s prior use. The Complainant notes that the Respondent claims to have researched the name concerned before using it, asserting that such research would have included discovering that the disputed domain name was previously in the Complainant’s possession and longstanding use for some seven years, suggesting that its actions were deliberate and opportunistic. The Complainant submits that the Respondent has appropriated the Complainant’s stage name for the website that is now hosted at the disputed domain name, adding that the unauthorized reference to the Complainant’s established brand identity underscores the Respondent’s intent to capitalize on the Complainant’s reputation and mislead the public.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent asserts that it made a thorough investigation to ensure that there were no rightsholders to the name “Bellefolie” before registering the disputed domain name, by checking the most widely used streaming platforms such as Spotify, Tidal, Apple Music and iTunes to ensure there were no artists or bands with similar names, verifying that there were no conflicts in the Respondent’s marketplace, or worldwide.

The Respondent contests the Complainant’s assertion that it has established unregistered rights in its stage name, on the basis that the Complainant has not made any music available on major streaming platforms such as Spotify, Tidal, or Apple Music, and that the Complainant’s online and social media presence as an artist is minimal, adding further that the Complainant’s online footprint consists of three songs released on YouTube eight years ago (which have garnered few views), four songs on Bandcamp and seven songs on Soundcloud, all released seven to eight years ago. The Respondent notes that the Complainant’s Soundcloud account has approximately 37 followers and asserts that neither Bandcamp nor Soundcloud are widely used by music consumers. The Respondent concludes that the evidence suggests that the Complainant has not actively used the artist name “Belle Folie” for several years, and that any corresponding unregistered rights that may have been in existence have lapsed due to inactivity. The Respondent submits that it is unlikely that music consumers would confuse the Parties due to them being distinct artists working in different genres and markets.

The Respondent asserts that since 2023 it has quickly established a presence in the Norwegian and European music markets, being actively engaged in concert activities in Norway and having performed in Paris and London. The Respondent notes that it is featured on Norway’s largest broadcaster’s music program, “Urørt” (evidence provided, stating that the band “blends playful hip-hop influences from the francophone scene with expressive, timeless Scandipop”) and will be touring with the solo project of the former vocalist of an internationally acclaimed band this year. The Respondent states that it has released tracks via the major streaming platforms that have generated thousands of listeners.

The Respondent asserts that it makes a bona fide offering of goods or services via its use of the disputed domain name having chosen the name “Bellefolie” in 2023 after it and its management conducted their respective investigations into whether there were any existing holders of a trademark in that term, noting that its correspondence shows that the name was chosen as part of a process between the Respondent and its manager with no knowledge of the Complainant. The Respondent adds that it first became aware of the Complainant in October 2024, some three months after the Respondent’s first release of a single in August 2024, and after its public project launch in May 2024, by which time the Respondent had used the name since 2023 with no awareness of an Australian artist having adopted a similar name. The Respondent says that it then attempted to discuss the matter with the Complainant but that it also rejected the Complainant’s cease and desist letters. The Respondent asserts that its activities since 2023 have established unregistered trademark rights in the name “Bellefolie” in Norway and parts of Europe, adding that the Respondent has a legitimate interest in the disputed domain name as its concert activities and music sales or streaming revenues make up a significant portion of its income. The Respondent states that the Complainant’s claims that the Respondent intended to profit from the Complainant’s reputation are incorrect and unreasonable considering the Complainant’s relative obscurity outside Australia combined with musical inactivity for many years.

The Respondent notes that the Complainant lost its rights in the disputed domain name in March 2024 due to inactivity and neglect, despite warnings from its hosting provider, and must bear the consequences of such inactivity. The Respondent explains that its website for the “Bellefolie” project was being established for a national and international launch in August 2024, at which time it was in contact with a web designer, “Bandzoogel”, and its management team, to secure an appropriate domain name, adding that “Bandzoogel” suggested the disputed domain name, after which the Respondent checked availability therefor. The Respondent says that this was after the Complainant had lost the rights to the disputed domain name and after the Complainant’s website content had been removed, adding that the Respondent made good faith efforts to ensure that it was not infringing any third-party rights both when choosing its band name, and when selecting the disputed domain name. The Respondent questions whether the Complainant was actively using the former website associated with the disputed domain name or whether it contained any content in

the period leading up to its lapse. The Respondent asserts that it was unaware of any active Australian artist using a similar name at the point when it registered the disputed domain name, adding that the Complainant had not released music on major streaming platforms and only had a few tracks available elsewhere, which were all released seven or eight years ago.

The Respondent rejects the Complainant's claim that the Respondent is trying to profit from its established brand, asserting that the Complainant is unknown to most consumers in Norway and Europe, including the Respondent, that the Complainant had virtually no presence on the Internet or social media, and that there is nothing for the Respondent to capitalize upon, and adding that the Complainant has not substantiated any established brand in the music business. The Respondent states that the Parties operate in different markets and musical genres, being Australia and Norway/Europe respectively, and that the Parties are neither in competition, nor has the Respondent intended to disrupt the Complainant's business via the disputed domain name. The Respondent denies that it registered the disputed domain name for the purposes of selling or otherwise transferring it to the Complainant or a competitor, adding that it has a legitimate interest therein to promote its band. The Respondent denies that the timing of the registration of the disputed domain name indicates that it acted in bad faith, adding that this took place ahead of its first single release in August 2024, five months after the Complainant lost its rights to the disputed domain name. The Respondent adds that the Complainant does not hold exclusive rights to the name and trademark "Bellefolie", and that the Respondent demonstrated diligence and good faith in its research and domain registration process.

6. Discussion and Findings

6.1 Procedural Consideration: Identity of Respondent

Paragraph 1 of the Rules defines the Respondent as "the holder of a domain-name registration against which a complaint is initiated". The Panel nevertheless has discretion to substitute or join another entity as a respondent by way of its general powers as set out in paragraph 10(a) of the Rules.

In the present case, the holder of the disputed domain name, Domain Registrar, differs from the person on whose behalf the Response has been filed, namely, Isabell Aga Engelsen. Based upon the material in the Response, the Panel finds that the disputed domain name was registered for and on behalf of Isabell Aga Engelsen. Consequently, the Panel joins Isabell Aga Engelsen as a Respondent. The originally-named Respondent will be retained for consistency and both will be referred to collectively as "the Respondent" throughout this Decision.

6.2 Substantive Issues

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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Complainant produced some limited evidence which the Panel is prepared to accept as establishing a secondary meaning in the Complainant's stage name "Belle Folie" for the limited purpose of establishing standing under the first element. The Complainant's evidence shows that it operated as a music act named "Belle Folie" from approximately 2016, including being a finalist under that name in the 2016 Australian Independent Music Awards, and having appeared under that name on the cover of "Surreal Beauty" magazine dating from October 2016, albeit that no evidence was provided of the extent of the circulation of

such magazine. The Complainant also showed that it has a modest following on social media (a fact accepted in the Complaint itself, in which the Complainant states that it “does not claim to hold a strong visibility on social media”). In the absence of evidence to the contrary, the Panel presumes this modest following to be local to the Complainant in Australia, where the Complainant’s musical act is established. Finally, the Complainant appears to have self-released music under the name “Belle Folie” on music community Internet platforms, which are likely to have been visible primarily to its local following, and the Panel accepts the Respondent’s position that the music available is not on major streaming platforms, again consistent with a local fan base rather than an international one.

The fact that such secondary meaning may only exist in a particular geographical area (here, Australia) does not preclude the complainant from establishing trademark rights for the limited purposes of standing under the UDRP. Even where a panel finds that a complainant has UDRP standing based on unregistered trademark rights, the strength of the complainant’s mark may be considered relevant in evaluating the second and third elements. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced 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](#), section 1.7.

Although the addition of other terms, here, “music” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that the generic Top-Level Domain, in this case “.com”, does not need to be taken into consideration on the question of identity or confusing similarity under the Policy. [WIPO Overview 3.0](#), section 1.11.1.

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.

Here, the Panel accepts the Respondent’s evidence and submissions supporting its position that, before any notice to it of the dispute, it has used both the disputed domain name and a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services, effectively a case under paragraph 4(c)(i) of the Policy. The Complainant has not demonstrated that the Respondent’s offering of entertainment services under the disputed domain name was made in order to take unfair advantage of and/or to capitalize on the Complainant’s rights in its stage name “Belle Folie”, nor indeed that the disputed domain name was registered with any awareness of the Complainant’s prior use of a similar name.

As noted in the preceding section, the totality of the evidence here suggests that while the Complainant had a following under its stage name, this fan base was modest (based on social media following and online video views) and likely to be local to the Complainant in Australia. There is no evidence before the Panel that the Complainant engaged in international activities under its stage name which might have brought it to the attention of the Respondent. The Complainant’s restricted social media activities and following, its limited musical releases that do not extend to the major streaming platforms, and its apparent inactivity in terms of releases and social media posts for some years do not suggest that it had established a reputation of which the Respondent was more probably than not aware, or which it might have intended to capitalize upon when it registered the disputed domain name.

Furthermore, the circumstances of the lapse of the disputed domain name in the Complainant’s hands do not suggest that this fact would have brought the Complainant’s use of its stage name to the Respondent’s attention. The disputed domain name was newly registered by the Respondent in August 2024, having lapsed at the end of March 2024. The disputed domain name appears to have obtained a new registration

date at that time, suggesting that it had returned to the general pool of available domain names rather than that it had been auctioned upon lapse by the then registrar of record. Accordingly, there is nothing before the Panel suggesting that the Respondent was engaged in “drop catching” the disputed domain name whereby it might have been objectively aware that another person held the registration immediately prior, and was on notice that such prior registrant might have rights in a trademark (see, for example, *Supermac’s (Holdings) Limited v. Domain Administrator, DomainMarket.com*, WIPO Case No. [D2018-0540](#)). Even if it had done so, and had known of the Complainant’s existence, the surrounding circumstances suggest that the Respondent would have been entitled to view the disputed domain name as having been abandoned by the artist which had formerly used it, given its apparent inactivity, at least in terms of music releases and some social media posts, for about seven to eight years.

Here, the totality of the evidence, notably the correspondence between the Respondent and “AK”, supports the Respondent’s position that it came upon the name for its musical act independently of the Complainant’s stage name, and likewise that the Respondent registered the disputed domain name in what was subsequently noted to be an identical composition to that previously used by the Complainant as the result of a coincidence rather than purposely in order to benefit from any rights previously established therein. In that context, it should be noted that the name “Belle Folie” represents two French words, together translating as “Beautiful Madness”, a fact itself noted on the cover of the magazine on which the Complainant appeared in October 2016. The Panel accepts the Respondent’s submissions that the name was not selected because the Complainant had used it and/or that the Respondent was aware of any such prior use and finds that the Respondent more probably than not came up with the phrase on its own. As noted in the correspondence with “AK”, before selecting its band name, the Respondent states to “AK” that it had spent time in France and liked the term “bellefolie” due to its association with “la folie” in French literature. The name was selected from a list of possible French language phrases. Furthermore, the Respondent’s music is independently described by the music program “Urørt” as having influences “from the francophone scene” thus reinforcing an apparent French connection that is unconnected to the Complainant or its prior use of the term as a stage name.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used a name correspondent to the disputed domain name in connection with a bona fide offering of services. [WIPO Overview 3.0](#), section 2.2.

The Panel finds the second element of the Policy has not 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 analysis largely follows that of the preceding section. To the extent that the Respondent registered the disputed domain name without an awareness of the Complainant’s prior use of the name, and without intent to target such use, the Complainant’s claim of registration and use in bad faith is not made out.

Where the disputed domain name could credibly have been acquired by the Respondent for its value to the Respondent, independently of any connection to the Complainant, it is unlikely to have been registered in bad faith unless the evidence suggests otherwise and/or tends to undermine the Respondent’s credibility. Here, there is no evidence before the Panel suggesting that the Respondent registered the disputed domain name to benefit in any way from any rights previously established therein by the Complainant. The evidence supports the Respondent’s position that it came up with its artist name in December 2023 entirely independently of, and without any awareness of, the Complainant or any rights that the Complainant had previously established in such name. At that point, the disputed domain name would not even have been available for registration as it was still registered to the Complainant until March 2024, and the Respondent does not appear to have prepared its online presence until the run up to its single release, which took place

after the disputed domain name had lapsed in the Complainant's hands.

Equally, the evidence supports the notion that any rights previously established in the disputed domain name by the Complainant were limited in scope and reach, such that the Respondent would not necessarily have identified these when it registered the disputed domain name. There is no evidence, for example, that the Complainant is famous, either nationally or internationally. The Complainant's reputation appears to be local and is also somewhat limited by the fact that the Complainant does not appear to have maintained an active social media presence, or to have been active under its stage name (based on an objective evaluation of the evidence before the Panel) for some years. It should be noted that while the Complainant made various claims of being well-known under its stage name, maintaining a "strong and engaged community", these conclusory allegations were not supported by the evidence, which did not show any reach likely to have come to the Respondent's attention.

Consequently, the Panel does not consider that the Respondent registered and used the disputed domain name in bad faith within the meaning of the Policy.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: April 23, 2025