

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. Chen Xiaohong
Case No. D2025-0981

1. The Parties

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

The Respondent is Chen Xiaohong, China.

2. The Domain Name and Registrar

The disputed domain name <fragonardeu-vip.shop> is 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 March 11, 2025. On March 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 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 Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 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 8, 2025.

The Center appointed Yuri Chumak as the sole panelist in this matter on April 15, 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, Les Parfumeries Fragonard, is a French company involved in the manufacture and sale of perfumes and related cosmetic products. The Complainant has been operating under the name FRAGONARD for many years and maintains its headquarters and production facilities in Grasse, France. The Complainant also operates retail stores, museums, and a historic factory, and has developed an international presence over time.

The Complainant is the owner of trademark rights in the term FRAGONARD, including a number of registrations in various jurisdictions. These include, among others, marks registered in France and through international mechanisms. Among others, the Complaint relies on International Registration 647574 for FRAGONARD, registered November 10, 1995, designating a number of states including China as well as a number of national registrations with France, as well as the European Union.

The Complainant has also registered domain names incorporating the FRAGONARD mark, which it uses in connection with its commercial website at "www.fragonard.com". The website, which is accessible in multiple languages, provides information about the Complainant's products and operations and offers goods for sale.

The disputed domain name was registered on March 8, 2025. Screenshots provided by the Complainant show that the site presents itself as an online shop offering products such as perfumes and cosmetics bearing the FRAGONARD name using imagery and product descriptions similar to those found on the Complainant's official website.

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 confusingly similar to its registered trademark FRAGONARD. According to the Complainant, the domain name incorporates the mark in its entirety, and the addition of the elements "eu," "vip," and the ".shop" gTLD does not avoid a finding of similarity.

The Complainant further submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent is not commonly known by the name FRAGONARD. The Complainant states that it has not authorized or otherwise permitted the Respondent, identified as Chen Xiaohong, located in Heilongjiang, China, to use its trademarks. A search of the Global Brand Database conducted by the Complainant did not identify any registrations for FRAGONARD in the name of the Respondent.

In addition, the Complainant argues that the domain name was registered and is being used in bad faith. The Complainant submits that its trademark is well known, particularly in the field of perfumery, and that the Respondent could not have been unaware of its rights. The website associated with the domain name, which appears to offer goods under the FRAGONARD name, is presented in a manner that, in the Complainant's view, suggests an intent to create an association with the Complainant. The Complainant also points to other domain names with similar characteristics, for which a consolidated UDRP complaint has been filed, as evidence of a pattern.

The Complainant requests that the disputed domain name be transferred.

B. Respondent

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

6. Discussion and Findings

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 entirety of the Complainant's FRAGONARD 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, "eu" and "vip") 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The ".shop" generic Top-Level Domain is a functional element that is disregarded for the purposes of this comparison. See [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.

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 name. 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 name such as those enumerated in the Policy or otherwise.

The Respondent does not appear to have been commonly known by the disputed domain name and has not been authorized to use the Complainant's FRAGONARD trademark. The website to which the disputed domain name resolves displays the Complainant's trademark and purports to offer FRAGONARD-branded

products, effectively impersonating the Complainant. The Complainant has submitted that it has no connection with the Respondent and has not licensed or otherwise permitted this use.

The content of the website does not suggest noncommercial or fair use, nor does it support the conclusion that the Respondent is engaged in a bona fide offering of goods or services independent of the Complainant.

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

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 the Respondent has used the disputed domain name in connection with a website that displays the Complainant's trademark and appears to offer products under the FRAGONARD name. The Panel considers this to be an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, as contemplated under paragraph 4(b)(iv) of the Policy.

The Complainant asserts that its trademark is well known, particularly in the field of perfumery. On the record, the Panel finds it more likely than not that the Respondent registered the disputed domain name with knowledge of the Complainant's rights.

The Complaint also identifies several other domain names incorporating the FRAGONARD mark that have been registered with similar content. The Panel considers this indicative of a pattern.

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.

Panels have held that the use of a domain name for impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 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 <fragonardeu-vip.shop> be transferred to the Complainant.

/Yuri Chumak/

Yuri Chumak

Sole Panelist

Date: April 29, 2025