

ADMINISTRATIVE PANEL DECISION

M. Dany Dos Santos, M. Maxime Schwab v. sharaz ahmad
Case No. D2025-1530

1. The Parties

The Complainants are M. Dany Dos Santos, France and M. Maxime Schwab, France, represented by ARDAN, France.

The Respondent is sharaz ahmad, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <droledemonsieur.shop> is registered with Eranet International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18 and April 24, 2025, the Registrar transmitted by email to the Center its verification responses 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 to the Complainants on April 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 30, 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 May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025. Due to an apparent issue with the notification, on May 30, 2025, the Center granted the Respondent through June 9, 2025 to indicate whether it

would like to participate to this proceeding. No communication was received from the Respondent.

The Center appointed Petra Pecar as the sole panelist in this matter on June 16, 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 Complainants, M. Dany Dos Santos (hereinafter the “First Complainant”) and M. Maxime Schwab (hereinafter the “Second Complainant”), are the co-founders of the French fashion brand “Drôle de Monsieur”, established in 2014 in Dijon, France, where they commenced their commercial activity in the field of apparel and sportswear.

The Complainants are known for clothing designs inspired by 1970s and 1990s fashion. A central element of their activity is the slogan and trademark “Not from Paris Madame”, which appears prominently on a large number of garments.

The Complainants own the following DRÔLE DE MONSIEUR trademarks:

- The French trademark DRÔLE DE MONSIEUR, registered under registration number 4073065 on March 3, 2014, in classes 16, 18, and 25; and
- The International trademark DRÔLE DE MONSIEUR, registered under registration number 1504294 on November 5, 2019, in classes 16, 18, and 25.

The Complainants operate through the domain name <droledemonieur.com> registered on March 25, 2014.

The disputed domain name was registered on August 29, 2024, and resolves to a website with the title “Drôle de Monsieur - Official Website | Ready-to-Wear Brand”, impersonating the Complainants’ website and purportedly offering products bearing the Complainant’s mark.

The Respondent is an individual from Pakistan.

5. Parties’ Contentions

A. Complainants

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that their trademarks DRÔLE DE MONSIEUR and the domain name <droledemonieur.com> enjoy recognition in the global fashion industry. The Complainants offer their products via their website, a store in Paris, and authorized resellers. The Complainants’ collections appear at Paris Fashion Week and are worn by well-known celebrities. In 2024, they partnered with La Faïencerie de Gien. The brand’s strong online presence, influencer collaborations, and over 130,000 monthly website visits further support its reputation in the fashion industry.

The Complainants argue that the disputed domain name is visually, phonetically, and conceptually identical to their DRÔLE DE MONSIEUR registered trademarks and <droledemonieur.com> domain name. The absence of the circumflex accent over the letter “o” does not eliminate the likelihood of consumer confusion with the Complainants’ trademark. Furthermore, the addition of the Top-Level Domain (“TLD”) “.shop” does not mitigate this risk, as consumers may mistakenly believe the disputed domain name is an official website operated by the Complainants.

The Complainants assert that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent was never authorized to use or register the Complainants' trademarks and is not commonly known by the disputed domain name. The Respondent's website mimics the Complainants' official site and is used to sell counterfeit goods, showing no bona fide or legitimate use. The Respondent is exploiting the Complainants' well-known trademark to mislead consumers and gain commercial benefit.

The Complainants contend that the disputed domain name was registered and is being used in bad faith. The disputed domain name is nearly identical to the Complainants' trademark and long-established domain name <droledemonsieur.com>, creating a strong likelihood of consumer confusion and diversion of online traffic. The Respondent uses the disputed domain name to sell counterfeit versions of the Complainants' products, replicating their website content and misleading consumers into believing the site is affiliated with the Complainants. In light of the Complainants' significant online presence and trademark notoriety, the Respondent must have been aware of their prior rights. The configuration of Mail Exchange ("MX") records associated with the disputed domain name further indicates a risk of fraudulent use, such as phishing.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Procedural Issues: Consolidation of Multiple Complainants

Pursuant to section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consolidation of multiple complainants in a single complaint is subject to the discretion of the Panel. In assessing such consolidation, the Panel considers whether (i) the complainants share a specific common grievance against the respondent, or whether the respondent has engaged in common conduct affecting them in a similar manner, and (ii) whether it would be fair and procedurally efficient to allow the consolidation.

In the present case, the disputed domain name targets the DRÔLE DE MONSIEUR trademarks, which are jointly owned and commercially exploited by the First and Second Complainants. The Complainants co-founded and jointly operate the business under the brand DRÔLE DE MONSIEUR and therefore have a shared legal and commercial interest in the trademarks. The registration and use of the disputed domain name affects both Complainants in a materially similar way, giving rise to a common grievance.

The Panel finds that allowing the consolidation of the Complainants is fair, equitable, and procedurally efficient under the circumstances. Accordingly, the First and Second Complainants are permitted to proceed jointly with the Complaint.

6.2. Substantive Issues

Even if the Respondent did not file a Response to the Complainants' contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainants.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainants are required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the 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 by the Respondent 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 Complainants' trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainants have shown rights in respect of the DRÔLE DE MONSIEUR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 elements, such as minor orthographic variations like the omission of the circumflex accent over the letter "o", may bear on assessment of the second and third elements, the Panel finds that such differences do not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. In fact, the circumflex accent "ˆ" cannot be used in domain names due to technical limitations of the Domain Name System, which supports only a limited subset of ASCII characters.

The TLD ".shop" does not prevent a finding of confusing similarity, in line with section 1.11.1. Accordingly, the disputed domain name is considered confusingly similar to the Complainants' DRÔLE DE MONSIEUR trademarks.

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 Panel notes that the Respondent does not appear to have any affiliation or connection with the Complainants and that the Complainants have not granted the Respondent any license, permission, or other authorization to use or register a domain name incorporating the Complainants' DRÔLE DE MONSIEUR trademarks. The Respondent has failed to submit a response to the Complaint and has therefore not provided any evidence or arguments to establish rights or legitimate interests in respect of the disputed domain name.

Furthermore, there is no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Nor is there any indication that the Respondent has made legitimate noncommercial or fair use of the disputed domain name. At the time the Complaint was filed, the disputed domain name, resolved to a website, claiming to be the official website by replicating the Complainants' website content and offering products purporting to be those of the Complainants, which misleads consumers into believing the site was affiliated with the Complainants.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation or passing off, can never confer rights or legitimate interests on a respondent. The Respondent's conduct, which includes replicating the Complainants' website content and misleading consumers into believing that the disputed domain name is affiliated with the Complainants, constitutes clear evidence of such illegitimate activity. As noted in [WIPO Overview 3.0](#), section 2.13.1, the use of a domain name for illegitimate purposes is inherently incapable of establishing rights or legitimate interests.

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 disputed domain name registered by the Respondent incorporates the Complainants' DRÔLE DE MONSIEUR trademarks, specifically using the term "droledemonsieur". The omission of the circumflex accent is due to technical limitations of the Domain Name System.

The Complainants' DRÔLE DE MONSIEUR trademarks predate the registration of the disputed domain name by over 10 years. Given the Complainants' long-standing use and online presence, and the fact that the disputed domain name is nearly identical to the Complainants' trademark and official domain name, the Panel finds that the Respondent was most likely aware of the Complainants' trademark rights at the time of registration.

The Respondent's website mimics the Complainants' official site and is used to purportedly offer goods bearing the Complainants' branding, thereby misleading consumers and diverting traffic for commercial gain. Such conduct constitutes an intentional attempt to attract Internet users by creating a likelihood of confusion with the Complainants' DRÔLE DE MONSIEUR trademark, as contemplated under paragraph 4(b)(iv) of the Policy. Additionally, such use of the disputed domain name disrupts the Complainants' business as well. The configuration of MX records further indicates a risk of fraudulent use, such as phishing or impersonation.

Panels have consistently held that the use of a domain name in connection with illegitimate activities, such as impersonation/passing off, constitutes evidence of bad faith ([WIPO Overview 3.0](#), section 3.4). In this case, having reviewed the record, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith. The evidence clearly shows that the disputed domain name was intentionally designed to create a misleading association with the Complainants and their DRÔLE DE MONSIEUR trademark. This includes the unauthorized use of the trademark, the operation of a website with the title "Official Website" closely imitating the Complainants' official site, and the sale of products purporting to be those of the Complainants, all aimed at deceiving consumers for commercial gain.

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 <droledemonsieur.shop> be transferred to the Complainants.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: June 30, 2025