

ADMINISTRATIVE PANEL DECISION

FRISQUET S.A. v. Simon Bolivar

Case No. D2025-1837

1. The Parties

The Complainant is FRISQUET S.A., France, represented by BRANDON IP, France.

The Respondent is Simon Bolivar, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <depannage-frisquet.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 9, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on May 12, 2025, informing the Complainant of the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint in relation to the annexes. The Complainant filed an amended Complaint on May 16, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2025.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on June 12, 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 French limited company active in the heating industry. It manufactures heating appliances, gas boilers and provides related support services.

The Complainant owns the following combined trademarks whose verbal element consists of the word FRISQUET, both registered in classes 9, 11 and 37:

- French trademark FRISQUET Paris n° 4125793, registered on October 14, 2014;
- European Union trademark FRISQUET n° 010325819, registered on March 12, 2012.

The Complainant also owns the registered domain name <frisquet.com> where it hosts its official website.

On August 27, 2020, the Respondent registered the disputed domain name. The disputed domain name leads to a website that displays the Complainant's trademark. The website refers to a company that would be seated in Paris but also mentions an address in Montreuil. It claims to provide similar services to the ones provided by the Complainant and expressly identifies itself as "Frisquet-approved installer". It also displays an email address at [...]@frisquet.com which is managed by the Complainant as associated with the Complainant's registered domain name.

On June 15, 2023, the Complainant sent a cease-and-desist letter to the Respondent, both in English and French, drawing his attention upon the FRISQUET trademark and inviting him to remove any reference to the FRISQUET trademark from his website and to stop using the disputed domain name. The letter however was returned with the mention "Unknown recipient at this address".

On two occasions at least, on January 21 and March 25, 2025, the Complainant got informed by two users/visitors of the website linked to the disputed domain name that the Respondent had impersonated the Complainant by allegedly repairing heating boilers and charging these people without any actual work being carried out.

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 trademark as it incorporates the term FRISQUET, which is the prevailing element of its trademark, and that the term "depannage" meaning "repair" in English is a mere descriptive term that refers to its activities.

The Complainant adds that the Respondent has no rights or legitimate interests in the disputed domain name as it has never been authorized by the Complainant to use the FRISQUET trademark and is not known under that name. There is no existing company at the addresses referred to by the Respondent, either in Paris or Montreuil.

The Complainant finally affirms that the disputed domain name was registered and is being used in bad faith. Taking into account the fact that the Respondent displays the Complainant's trademark on the website linked to the disputed domain name, it obviously was aware of the Complainant's trademark. Furthermore, the use described above of the disputed domain name to impersonate the Complainant and mislead people to pay for services they will never obtain is a use in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] 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.”

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a service mark in which the Complainant has 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 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 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 term here “depannage” 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.

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 has used a similar look and feel to the one of the Complainant's official websites, reproducing prominently the Complainant's logo. Panels have further held that the use of a domain name for illegitimate activity, here impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Even if the Respondent was to be a genuine service provider, which is not the case here, the Panel considers that the disputed domain name, which carries a risk of implied affiliation with the Complainant, used in connection with a commercial website prominently displaying the Complainant's mark (without any disclaimer), purportedly offering for sale same or similar services as the ones provided by the Complainant, cannot confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), sections 2.5.1 and 2.5.3.

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 was obviously aware of the Complainant's trademarks as the website linked to the disputed domain name prominently displays its logo as well as images of the products sold by the Complainant.

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.

The Panel notes the use of the disputed domain name, which has been used in a manner likely to create an impression of being an official website of the Complainant when it is not. Panels have held that the use of a domain name for illegitimate activity, here impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The use of the disputed domain name shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the paragraph 4(b)(iv) of 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 <depannage-frisquet.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: June 26, 2025