

ADMINISTRATIVE PANEL DECISION

Benda Bili v. 张诗茵 (shi yin zhang)

Case No. D2025-2092

1. The Parties

The Complainant is Benda Bili, France, represented by Nameshield, France.

The Respondent is 张诗茵 (shi yin zhang), China.

2. The Domain Name and Registrar

The disputed domain name <sezane-europe.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 May 27, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 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 to the Complainant on May 30, 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 in English on June 2, 2025.

On May 30, 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 June 2, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the 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 the Respondent in Chinese and English of the Complaint, and the proceedings commenced on June 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on July 2, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on July 8, 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, Benda Bili, is a company incorporated in France, specialized in ready-to-wear collections and accessories for women, and trades under its commercial name and trademark SEZANE. The term "sezane" is a contraction of the first name and last name of the Complainant's founder and President Morgane Sezalory. The Complainant's clothing and accessories are available through its online shop provided at the domain name <sezane.com>, which was registered by the Complainant on April 3, 2003.

The Complainant is the owner of a number of trademarks comprising the word "sezane", including the International trademark No. 1170876, SÉZANE, registered on June 3, 2013, in classes 14, 18, and 25, designated in many countries, including China.

The disputed domain name <sezane-europe.com> was registered on May 26, 2025, a much later date than the Complainant's abovementioned domain name and trademark registration. At the time of filing of the Complaint, the disputed domain name resolved to an online store prominently displaying the Complainant's trademark and purportedly selling clothes and accessories at discounted prices.

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.

- (i) the disputed domain name <sezane-europe.com> entirely reproduces the prior trademark therefore is confusingly similar to the trademark SÉZANE.
- (ii) the Respondent is not affiliated with nor authorized by the Complainant in any way, and the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- (iii) the disputed domain name was registered and used in bad faith, primarily for the purpose of disrupting the business of the Complainant and was being fraudulently used by the Respondent, to attract Internet users by impersonating the Complainant, in particular by identifying itself as "Sezane" in the "About Us" section of its website.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceeding

The Registration Agreement of the disputed domain name is in 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) English language is the most widely used language in international relations and is one of the working languages of the Center; (ii) the disputed domain name is formed by word “europe” in Roman characters (ASCII) rather than in Chinese script; and (iii) the use of Chinese translation will impose a burden of significant additional costs on the Complainant.

The Respondent did not file a Response in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel is taking into account of fairness and justice to both parties as well as all other relevant circumstances of the case such as the parties’ ability to understand and use the proposed language, time, costs, etc. (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

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

6.2. Substantive Issues

A. Identical or Confusingly Similar

It is well established that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available records, the Complainant has demonstrated its rights in respect of the trademark SEZANE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel notes that the trademark SÉZANE is recognizable within the disputed domain name. It is broadly accepted by previous UDRP panels that the addition to the Complainant’s mark of other words or terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) or symbols such as hyphen, or replacing letter “é” with letter “e” would not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark under the first element of the Policy. [WIPO Overview 3.0](#), sections 1.8 and 1.9. The generic Top-Level Domain (“.com” in this case) is typically disregarded in the confusingly similar test. [WIPO Overview 3.0](#), section 1.11.1.

In the present case, in spite of all the symbols and term, the trademark SÉZANE remains recognizable within the disputed domain name. The Panel considers the disputed domain name confusingly similar to the trademark SEZANE for the purposes of the Policy.

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”. 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.

Upon reviewing the facts and the evidence shown in the case file, the Panel finds that:

- (i) there is no evidence proving that the Respondent has been commonly known by the disputed domain name; and
- (ii) the nature of the disputed domain name, incorporating the Complainant’s trademark SÉZANE with the addition of the term “europe”, where the Complainant has business operations, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

None of the circumstances in paragraph 4(c) of the Policy are present in this case. For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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.

Upon reviewing the case files, the Panel notes the following:

- (i) the registration date of the Complainant’s trademark SEZANE significantly predates the registration date of the disputed domain name (May 2025);
- (ii) the trademark SEZANE is a coined word, highly distinctive;
- (iii) the trademark had been extensively used before the disputed domain name was registered; and
- (iv) the Respondent once directed the disputed domain name to an active website displaying the Complainant’s products bearing the trademark and logo, without authorization, and purportedly offering them for sale at discount.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate 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.

Given the much earlier registration date, the level of distinctiveness and extensive commercial use of the trademark, the Panel is convinced that the Respondent should have known about the trademark by the time it registered the disputed domain name, because the chances of all the above taking place as a coincident are slim. The way how the Respondent used the disputed domain name reinforced the fact that it had tried to make a commercial gain by creating a likelihood of confusion between the Complainant and the website that the disputed domain name resolved to as to the source, sponsorship, affiliation, or endorsement.

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 <sezane-europe.com> be transferred to the Complainant.

/Linda Chang/

Linda Chang

Sole Panelist

Date: July 24, 2025