

ADMINISTRATIVE PANEL DECISION

Le Dépôt Bailleul v. Qian Liu
Case No. D2025-2136

1. The Parties

The Complainant is Le Dépôt Bailleul, France, represented by HEPTA law firm, France.

The Respondent is Qian Liu, China.

2. The Domain Name and Registrar

The disputed domain name <ledepotbailleul.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 30, 2025. On June 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 3, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 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 in English on June 12, 2025.

On June 11, 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 12, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 16, 2025. In accordance with the

Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 11, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on July 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 Complainant was founded in 1992 as "Le Dépôt Vente Bailleulois". It sells home furniture and home decoration goods from a physical store in Bailleul, France, and an online store in French associated with the domain name <ledepot-bailleul.fr>, which it registered in April 2008. The Complainant changed its company name to "Le Dépôt Bailleul" in 2015 and has prominently and continuously used that name in capital letters on its website up to the present time, with a cerulean armchair logo. The website also displays cerulean formatting, including a ribbon header. The signage on its physical store shows its website address and the name "LE DEPOT". The Complainant also sells its goods under its own name on the Conforama marketplace website. On December 17, 2024, the Complainant also registered the domain name <ledepotbailleul.fr>, which redirects to the domain name <ledepot-bailleul.fr>.

The Respondent is an individual based in China.

The disputed domain name was registered on December 26, 2023. Since at least September 16, 2024, it has resolved to a website in French that prominently displays LE DEPOT BAILLEUL and the Complainant's cerulean armchair logo. It also displays cerulean formatting, including a ribbon header. The website offers for sale home furniture and home decoration goods. At least one of the product photographs is reproduced from the Complainant's website. The website operator claims to be based in Alabama, United States of America. The contact street address shown on the website is ostensibly in Rennes, France, but it does not exist and there is no contact telephone number.

The evidence on record includes a complaint from a customer dated March 2, 2024 indicating that he had fallen victim to a site impersonating the Complainant. The evidence also includes a Google review from a customer in approximately February 2025 warning of the existence of a scam site impersonating the Complainant.

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 unregistered mark LE DEPOT BAILLEUL.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not know, and has no business relationship with, the Respondent. The Complainant has never granted the Respondent a license, or authorized the Respondent to register or use a domain name that incorporates its distinctive signs. The Respondent does not use the disputed domain name in the context of a bona fide offering of goods and services but has simply copied the Complainant's website in order to offer the same products at lower prices to deceive consumers.

The disputed domain name has been registered and is being used in bad faith. The plagiarism of the Complainant's website demonstrates that the Respondent was aware of the Complainant's identity and

reputation at the time of the registration of the disputed domain name. The disputed domain name has been used since its creation to deceive Internet users into believing that it is the Complainant's website. Customer testimonies show that an order placed on the Respondent's website did not result in any delivery.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that translation of the Complaint into Chinese would incur high costs and cause undue delay, and the disputed domain name and associated website are in French, which indicates that the Respondent is familiar with a language other than Chinese.

Despite the Center having sent an email regarding the language of the proceeding and the Notification of Complaint and Commencement of Administrative Proceeding in both Chinese and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. 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 matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would in any case have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant.

A. Identical or Confusingly Similar

The Complaint is based on a claim of unregistered trademark rights in LE DEPOT BAILLEUL. The Panel recalls that in order to establish unregistered trademark rights for the purposes of the Policy, the

Complainant must show that its sign has become a distinctive identifier that consumers associate with its goods or services, or both. See [WIPO Overview 3.0](#), section 1.3.

In the present case, the Complainant has provided evidence demonstrating such acquired distinctiveness. The evidence shows that the Complainant has used LE DEPOT BAILLEUL since 2015 in connection with its home furniture and home decoration goods and related retail services. It has used its mark both at a physical store in Bailleul, France, and an online store in French. It submits accounting records showing that the average turnover directly linked to its online store during the period 2020 to 2024 was over EUR one million per year. The online store has received over 1,400 Google reviews. The Complainant has also used its mark in connection with the same goods and services on at least one major French marketplace website (Conforama).

The Panel has taken note that LE DEPOT BAILLEUL is comprised of the descriptive term “le dépôt”, meaning “storage” or “the warehouse”, and the place name “Bailleul”, which is where the Complainant is based. Nothing on the record implies that either of those elements, used separately, has acquired distinctiveness. However, given the duration, nature, and extent of use of the combination LE DEPOT BAILLEUL, the Panel has reason to find that that combination as a whole has become a distinctive identifier that consumers in France associate with the Complainant’s home furniture and home decoration goods and related retail services. The fact that the Respondent’s website prominently displays the Complainant’s LE DEPOT BAILLEUL logo as well shows the Respondent is targeting the Complainant, and further supports the Complainant’s assertion that its mark has achieved significance as a source identifier. See [WIPO Overview 3.0](#), section 1.3.

Therefore, the Panel finds that the Complainant has established unregistered trademark rights for the purposes of the Policy.

The disputed domain name incorporates the unregistered LE DEPOT BAILLEUL mark. The only additional element is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is used with an online store that displays the Complainant’s logo and unregistered mark as its title, reproduces at least one product photograph from the Complainant’s website, and displays formatting in the same color. The online store offers for sale the same types of home furniture and home decoration goods as the Complainant. The store gives the impression that it is operated or endorsed by, or affiliated with, the Complainant. Yet the Complainant submits that it does not know, and has no business relationship with, the Respondent. These circumstances indicate that the Respondent is

not using the disputed domain name in connection with a bona fide offering of goods or services. Nor is he making a legitimate noncommercial or fair use of the disputed domain name.

The Registrar has verified that the Respondent's name is "Qian Liu", which does not resemble the disputed domain name. Nothing indicates that the Respondent has been commonly known as the disputed domain name.

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.

Based on the record, 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. The fourth of these circumstances is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain name was registered in 2023, after the Complainant's unregistered trademark acquired distinctiveness as an identifier that consumers associate with the Complainant's goods and services. The disputed domain name incorporates the unregistered trademark, and adding a gTLD extension for technical reasons. The disputed domain name has been used since at least 2024 with an online store that displays the Complainant's unregistered mark and logo, and reproduces at least one product photograph from the Complainant's website. This gives the Panel reason to find that the Respondent registered the disputed domain name with the Complainant in mind.

As regards use, the disputed domain name is used with an online store that gives the false impression that it is operated or endorsed by, or affiliated with, the Complainant. The Respondent's online store offers the same types of goods for sale as the Complainant's website. This use is deliberate and for commercial gain. The disputed domain name itself differs from the domain name associated with the Complainant's website only in the omission of a hyphen and the use of a different TLD extension. The Panel finds that these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, 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 <ledepotbailleul.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: July 24, 2025