

## **ADMINISTRATIVE PANEL DECISION**

TV5MONDE v. SABRI MOHAMED

Case No. D2025-2268

### **1. The Parties**

The Complainant is TV5MONDE, France, internally represented.

The Respondent is SABRI MOHAMED, Morocco.

### **2. The Domain Name and Registrar**

The disputed domain name <tv5mondeplus.pics> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (“Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 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 amendment to the Complaint on June 12, 2025.

The Center verified that the Complaint together with the amendment to the 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 June 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 4, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on July 7, 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, established in 1984 and based in Paris, France is an international French-language TV network that broadcasts to nearly 437 million household in more than 198 countries.

In September of 2020, the Complainant launched its worldwide platform for video on demand under the brand name TV5MONDE PLUS.

The Complainant is among others owner of the European Union Trade Mark No. 005899471 for the word mark TV5MONDE PLUS, registered on March 14, 2008.

The Complainant is also owner of the domain name <tv5mondeplus.com>, which was registered on April 30, 2007, and which resolves to its TV5MONDE PLUS video on demand service. The Complainant also owns, among others, the domain name <tv5monde.com>, which was registered on May 21, 2001, and resolves to the Complainant's official website.

The disputed domain name was registered on March 3, 2025, and currently it does not resolve to a website. According to the May 5, 2025, dated screen capture produced by the Complainant the disputed domain name resolved to a webpage displaying the text "403 Forbidden nginx".

#### **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 which comprises its TV5MONDENPLUS trademark is identical to the trademark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy; and
- due to the global recognition of the Complainant's trademark in the entertainment sector it is inconceivable that the Respondent coincidentally registered the disputed domain name without any knowledge of the Complainant and its rights.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or 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 entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that 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.

Based on the available record, the Complainant has not authorized, licensed, or allowed the Respondent to use its TV5MONDE PLUS trademark in the disputed domain name or in any other way that would confer validity or legitimacy upon such use.

As mentioned above, the disputed domain name resolves to a webpage displaying "403 Forbidden nginx".

The "403 Forbidden nginx" error message means that the access to the webpage one is trying to open has been denied either on purpose or due to misconfiguration. Accordingly, the Respondent was either using the disputed domain name for some concealed purpose or it was passively holding it. Regardless of which is the

case, this use cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

Furthermore, the Panel finds that the disputed domain name which is identical to the Complainant's trademark carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds that 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 a basic Internet search for the disputed domain name returns solely links referencing the Complainant and its business. The Panel also notes the nature of the disputed domain name being identical to the Complainant's distinctive trademark, which in view of the Panel, suggests that the Respondent knew of the Complainant's trademark at the time of registration.

If the "403 Forbidden nginx" error message displayed on the webpage at the disputed domain name meant that the Respondent was using it for some concealed purpose, that would be a further indication of the Respondent's bad faith.

If, however, the "403 Forbidden nginx" message meant that the Respondent has put the disputed domain name to a passive use – which is also the current status of the disputed domain name – that non-use of the disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this context, the Panel notes the reputation of the Complainant's trademark in the entertainment sector, and the nature of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <tv5mondeplus.pics> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: July 17, 2025