

ADMINISTRATIVE PANEL DECISION

ARSENE v. Arsène Van Onacker, Arsène Duurzaam Advies Comm.V
Case No. D2025-2404

1. The Parties

The Complainant is ARSENE, France, represented by CLEACH AVOCATS, France.

The Respondent is Arsène Van Onacker, Arsène Duurzaam Advies Comm.V, Belgium.

2. The Domain Name and Registrar

The disputed domain name <arsene.biz> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 June 23, 2025, providing the additional registrant contact information disclosed by the Registrar.

The Center verified that 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 23, 2025.

The Center appointed Federica Togo as the sole panelist in this matter on July 28, 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.

On August 22, 2025, the Panel issued the Administrative Procedural Order No. 1 ("Panel Order"), because it noted that Arsène Durzaam Advies Comm.V appears to be a registered business entity in Belgium, with Arsène Van Onacker listed as a partner. However, the Complainant did not address this in the Complaint. Accordingly, pursuant to paragraphs 10 and 12 of the Rules, the Panel issued an order, inviting the Complainant to address whether or not the Respondent is "commonly known by the domain name" for the purposes of paragraph 4(c)(ii) of the Uniform Domain Name Dispute Resolution Policy and inviting the Respondent to provide comments or evidence regarding its identity, if any. The Parties were invited to submit their responses by August 29, 2025, and any comments in reply to the other Party's submission could be submitted by September 5, 2025.

In its submission in reply to the Panel Order, filed on August 27, 2025, the Complainant argued that the Respondent is technically not commonly known by the disputed domain name and put forward arguments and related evidence. The Respondent did not submit any response to the Panel Order nor any comment in reply to the Complainant's submission by the due date.

4. Factual Background

It results from the Complainant's undisputed allegations that it is a French law firm, composed of a team of more than one hundred lawyers specialized in matters related to taxation and strategic advice to companies. In addition, the Complainant is the initiator of the international network "Taxand," comprising more than 400 partners and 2,000 tax specialists in 50 countries, further contributing to its influence overseas.

Furthermore, the undisputed evidence provided by the Complainant proves that the Complainant is the licensee of many trademarks for ARSENE, which are owned by SOCIETE CIVILE PHOENIX, a French company that has constituted an intellectual property rights portfolio for ARSENE, e.g., European Union trademark registration No. 018004249 for ARSENE, registered on May 17, 2019 for services in classes 35, 36, and 45.

In addition, the Complainant provided relevant evidence of authorization from the trademark owner to file a UDRP complaint.

In addition, the Complainant uses the domain names <arsene.fr>, <arsene-avocats.fr>, <arsene-taxand.fr>, <arsene-taxand.com>, <arsene-avocats.com> which resolve to the Complainant's active website promoting its activities.

The disputed domain name was registered on March 11, 2025 and resolves to an inactive webpage (i.e., under construction).

The Respondent did not provide any comments or evidence regarding its identity, as invited to do so in the Panel Order, whereas the Complainant provided a publicly available extract of the company register showing the Respondent's organization name as Arsène Durzaam Advies.

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 identical or confusingly similar to the Complainant's trademarks since it contains the Complainant's trademark ARSENE and merely adds the Top-Level Domain ("TLD") ".biz". It is also identical to its official domain name.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it has no relationship whatsoever with the Respondent and has never authorized the Respondent to use any of its domain names or any of the trademarks that the Complainant uses through a license, in any way and for any reason whatsoever. Finally, the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name. Indeed, as of the date of this Complaint, it still resolves to a “website under construction” page, offering no substantive content or services. Moreover, while the disputed domain name leads to an inactive page, its Mail Exchange (MX) records are active. (However, the Complainant has not provided evidence of this.) The Complainant contends that the active MX records strongly suggest that the Respondent is either already using, or intends to use, the disputed domain name to send emails, likely with the intent of impersonating the Complainant.

In its submission in reply to the Panel Order, the Complainant specified that the Respondent is not commonly known by the disputed domain name for the following reasons: 1) The Respondent does not use the disputed domain name. Moreover, there is no evidence that the Respondent is using any other identical or similar domain name; 2) The information available online about the Respondent does not refer to the disputed domain name or to any identical sign; and 3) There is no evidence online that the Respondent uses the sign “Arsene” alone to designate its company. Moreover, the manager of the company is another person, not Arsene.

Therefore, there is no evidence that the Respondent is known by the name ARSENE. According to previous UDRP decisions, it must be convincingly established with material evidence that the respondent is commonly known by the domain name. In this case, the Respondent has not replied to the proceedings, and there is no evidence that it is known by the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the disputed domain name leads to a website under construction with an active email address and the Complainant’s trademarks are well known and highly distinctive. The disputed domain name was registered more than twenty years after the Complainant’s trademarks. Moreover, the Respondent is concealing their identity, and the email services are activated. These elements strongly suggest phishing intent. It makes no doubt that the Respondent was aware of the Complainant’s rights when it registered the disputed domain name.

The Complainant contends that a cease-and-desist letter was sent to the Registrar, as there was no other way to contact the Respondent and this cease-and-desist letter remained unanswered. However, the Complainant failed to provide evidence of this.

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”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 rights in a trademark under the Policy for purposes of standing to file a complaint. [WIPO Overview 3.0](#), section 1.4.1. In fact, the undisputed evidence provided by the Complainant proves that the Complainant is the licensee of the European Union trademark for ARSENE, mentioned in Section 4. In addition, the Complainant provided relevant evidence of authorization from the trademark owner to file a UDRP complaint. Therefore, the Complainant has standing to file the UDRP complaint.

The entirety of the mark 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 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.

In accordance with the Panel Order, the Complainant provided evidence indicating that Arsène Duurzaam Advies Comm.V is a company incorporated in Belgium (Annex 3 to the Complainant's submission in response to the Panel Order).

The Panel notes that the disputed domain name therefore corresponds to the Respondent's organization name "Arsène Duurzaam Advies Comm.V".

Having reviewed the available record, the Panel finds the Complainant has failed to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant's suggestion that because the use in the disputed domain name is not of arsene "alone" (as that is part of a longer corporate name) parses things too finely and simply does not reflect a common sense application of naming conventions.

The Panel finds the second element of the Policy has not 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.

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 disputed domain name resolves to an inactive webpage (i.e., under construction). Having reviewed the record, the Panel finds that there is no evidence indicating that the Respondent has targeted the Complainant or sought to take unfair advantage of the Complainant's mark. [WIPO Overview 3.0](#), section 3.1.

The Panel finds also for the reasons set out above that the Complainant has not established the third element of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Federica Togo/

Federica Togo

Sole Panelist

Date: September 11, 2025