

ADMINISTRATIVE PANEL DECISION

Cache-Cache v. Tatyana Protonina
Case No. D2025-2408

1. The Parties

The Complainant is Cache-Cache, France, represented by MIIP MADE IN IP, France.

The Respondent is Tatyana Protonina, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <cache-cache.store> is registered with Registrar of Domain Names REG.RU LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English 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 June 19, 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 (Personal data) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 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 on June 20, 2025.

On June 20, 2025 the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On June 20, 2025, the Complainant confirmed its request that English 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 English and Russian of the Complaint, and the proceedings commenced on June 25, 2025. In accordance with the

Rules, paragraph 5, the due date for Response was July 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 16, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on July 18, 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 global enterprise operating in the fashion industry, specializing in women's clothing and related products. It offers a variety of goods, including clothing, footwear, bags, and beauty accessories, and is present in various markets, particularly in Europe and Spain.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its CACHE CACHE and CACHE-CACHE trademarks including, but not limited, to the following:

- International Trademark Registration No. 966411, registered on October 16, 2007, for the word mark CACHE CACHE in classes 3, 9, 14, 18, 24, 25, 35, 41, and 42, designating, inter alia, the Russian Federation;
- International Trademark Registration No. 525713, registered on June 22, 1988, for the word mark CACHE-CACHE in classes 25, 35, 36, 37, 39, 40 and 42;
- European Union Trademark Registration No. 006371991, registered on October 29, 2008, for the word mark CACHE CACHE in classes 3, 9, 14, 18, 24, 25, 35, 41, and 42.

The Complainant also owns numerous domain names incorporating the CACHE-CACHE mark, including its official websites at <cache-cache.fr> and <cache-cache.com>. The disputed domain name was registered on May 22, 2025.

At the time of this decision, the disputed domain name is inactive. However, the Complainant has submitted evidence that it was previously used in connection with an e-commerce website offering products similar to those of the Complainant and reproducing the Complainant's trademark.

According to the disclosed Whois information, confirmed by the Registrar, the Respondent is located in the Russian Federation.

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.

According to the Complainant, the disputed domain name is confusingly similar to its trademark CACHE-CACHE, as it wholly incorporates the trademark. The Complainant also notes that the Top-Level Domain (TLD) ".store" should be disregarded under the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name for several reasons: (1) the Respondent is not affiliated with the Complainant and has never been authorized or licensed to use the CACHE-CACHE trademark; (2) there is no evidence that the Respondent holds any trademark rights corresponding to the term CACHE-CACHE; and (3) the disputed domain name resolves to a website that reproduces the Complainant's trademark and offers similar products, with the apparent intent of taking unfair advantage of the Complainant's trademark reputation.

The Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith for the following reasons: (1) the Respondent intentionally attempted to attract, for commercial gain, Internet users to their website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which closely resembles the Complainant's official site and offers identical or similar products, namely clothing and related fashion items; (2) the website invites users to create accounts and provide personal and financial information, which the Complainant considers indicative of possible fraudulent intent; and (3) the Respondent allegedly provided inaccurate contact information at the time of domain name registration, which the Complainant argues is further evidence of bad faith.

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

B. Respondent

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

6. Discussion and Findings

I. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to paragraph 11(a) of the Rules, in the absence of an agreement between the parties, or unless otherwise specified 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 requests that the language of the proceeding be English, arguing that conducting the proceeding in English would not prejudice the Respondent, who appears to have a sufficient understanding of the language, for the following reasons:

- English is widely recognized as the international language of business and is frequently accepted in UDRP proceedings;
- The disputed domain name is composed entirely of Latin characters, rather than Cyrillic script;
- The Complainant is a French company operating primarily in France. Translating the Complaint and annexes into Russian would result in significant cost and delay, particularly as neither the Complainant nor its legal representatives are fluent in Russian;
- The Center has previously accepted English as the language of proceedings in several UDRP cases involving the same Registrar, REG.RU LLC.

Moreover, as outlined in this Complaint, the case concerns a clear instance of typosquatting targeting a well-known trademark. Requiring a translation into Russian in such circumstances would impose an undue burden on the Complainant and run counter to the principles of procedural efficiency.

In light of the above, the Complainant respectfully submits that conducting the proceeding in English would ensure a fair, efficient, and cost-effective resolution, in accordance with the principles of equity and procedural economy contemplated under the Policy.

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

In addition, the Center has communicated with the Respondent in both English and Russian and invited the Respondent to comment on the language of the proceeding. The Respondent has not submitted any response or objection to the Complainant's request that the proceeding be conducted in English.

The Panel is proficient in both English and Russian, capable of reviewing all the documents and materials in both languages, and giving full consideration to the Parties' respective arguments.

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.

II. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's failure to file any substantive submissions in present case does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a substantive response as it considers appropriate.

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 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 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.

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.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the CACHE-CACHE trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the CACHE-CACHE trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The disputed domain name previously resolved to a website that featured the Complainant's trademark and offered for sale products similar to those offered by the Complainant. Moreover, the website presented itself as the originator of the CACHE-CACHE brand, using the first-person plural pronoun "we," and included a contact email address at "[...]@cache-cache.com" - the Complainant's actual and official domain name. Finally, the website contained no disclaimer indicating that there was no affiliation between the Complainant and the Respondent. These elements strongly suggest an attempt to impersonate the Complainant.

Prior panels have consistently held that such use does not constitute a bona fide offering of goods or services, as it seeks to exploit the reputation and goodwill associated with the Complainant's trademark. Furthermore, the use of a domain name for illegal activities, such as impersonation or passing off, cannot confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant's CACHE-CACHE trademark predates the Respondent's registration of the disputed domain name. Moreover, the Respondent's adoption of a disputed domain name incorporating the Complainant's trademark combined with the use of the Complainant's trademarks and the offering of goods identical to those of the Complainant on the previously associated website clearly demonstrates that the Respondent was aware of the Complainant's business and trademark rights at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the disputed domain name previously resolved to a website misleading the public into believing that it was affiliated with or originating from the Complainant. The absence of any disclaimer clarifying the lack of a relationship with the Complainant further contributed to the overall misleading impression. UDRP panels have consistently held that such use- impersonation, passing off, and any type of fraud- constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it. Pursuant to paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of a disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In this context, the Panel also attaches significance to the fact that the Center did not receive any substantive response from the Respondent presenting arguments that could justify the good faith registration and use of the disputed domain name.

Based on the available record, 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 <cache-cache.store> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: August 1, 2025