

ADMINISTRATIVE PANEL DECISION

Bal Du Moulin Rouge v. Ion Kostylev, vencom Ltd
Case No. D2025-2410

1. The Parties

The Complainant is Bal Du Moulin Rouge, France, represented by CASALONGA, France.

The Respondent is Ion Kostylev, vencom Ltd, France.

2. The Domain Name and Registrar

The disputed domain name <feerie-moulin-rouge.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 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 June 27, 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 30, 2025.

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 of the Complaint, and the proceedings commenced on July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 24, 2025.

The Center appointed Elise Dufour 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.

4. Factual Background

The Complainant is a company duly organized under the laws of France and operates the internationally renowned "Moulin Rouge" theatre, located in Paris, France. Established in 1889, the Moulin Rouge is widely recognized as the birthplace of the modern form of the can-can dance. It has since become one of the most famous cabarets in the world and a major tourist attraction. The Complainant offers musical and dance entertainment to an international clientele and also hosts events such as private receptions and corporate functions.

The Complainant has continuously used the mark MOULIN ROUGE in connection with its cabaret and related services for over a century and is known worldwide under this name.

Among its most famous productions is the show titled FEERIE, which has been performed for many years as the principal revue at the Moulin Rouge venue.

The Complainant has submitted evidence of ownership of numerous trademark registrations for the mark MOULIN ROUGE across various jurisdictions.

Among these, the following registrations are particularly relevant to the present proceeding:

- International trademark registration MOULIN ROUGE No. 1016676 registered on June 12, 2009, covering goods and services in Classes 3, 9, 11, 14, 16, 18, 20, 21, 24, 25, 32, 33, 41, and 43, duly renewed;
- European Union ("EU") trademark registration MOULIN ROUGE No. 000110437 registered on November 5, 1998, in classes 3, 14, 18, 25, 32, 33, and 41, duly renewed;
- EU trademark registration  MOULIN ROUGE No. 010841567 registered on September 24, 2012, in classes 3, 4, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 29, 30, 32, 33, 41, and 43, duly renewed; and
- EU trademark registration FEERIE No. 001101021 registered on May 12, 2000 in class 41, duly renewed.

To promote its reputation on the Internet, the Complainant registered numerous domain names including:

- <moulin-rouge.com> registered since February 9, 1998;
- <moulinrouge.com> registered since May 15, 1998;
- <moulinrouge.fr> registered since March 23, 1999; and
- <moulin-rouge.fr> registered since October 27, 1999;

The disputed domain name is <feerie-moulin-rouge.com>, registered on August 23, 2024.

The Respondent is Mr. Ion Kostylev, associated with the company Vencom Ltd.

The disputed domain name directs to a landing page of the professional platform Flexbe mentioning that "[t]his domain isn't connected to any account on the Flexbe platform", and requiring the users to log in.

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.

The Complainant asserts that the MOULIN ROUGE trademarks are widely recognized.

The Complainant contends that the disputed domain name incorporates the Complainant's MOULIN ROUGE and FEERIE trademarks in their entirety. The term "Feerie" directly refers to the title of the Complainant's long-running cabaret show, which has been performed at the Moulin Rouge for decades. The combination of these two well-known marks in a single domain name reinforces the confusing similarity, as it associates the disputed domain name with both the Complainant's famous venue and one of its most iconic productions. This pairing creates a strong false impression that the Respondent is affiliated with, endorsed by, or otherwise authorized by the Complainant.

Furthermore, the Complainants assert that the Respondent lacks rights or legitimate interests in the disputed domain name for the following reasons:

The Complainant confirms that it has no commercial or legal relationship with the Respondent. It has never granted any license, authorization, or permission to the Respondent to register or use its MOULIN ROUGE and FEERIE trademarks, including in connection with the disputed domain name. The disputed domain name does not reflect the Respondent's name, nor is there any evidence that the Respondent has been commonly known by it. Furthermore, the disputed domain name merely resolves to an inactive landing page on the FLEXBE platform, which does not constitute bona fide use or legitimate noncommercial or fair use.

The Complainants further contend that the Respondent has registered and used the disputed domain name in bad faith for the following reasons:

The combination of the Complainant's well-known MOULIN ROUGE trademark with the FEERIE mark in a single domain name creates a strong association with the Complainant and could mislead Internet users into believing it is an official or authorized platform. Although the disputed domain name currently resolves to an inactive page, passive holding in these circumstances—combined with the Respondent's prior conduct—supports a finding of bad faith registration and use under the Policy.

In addition, the Respondent's earlier registrations of domain names incorporating the Complainant's trademarks, already deemed abusive in prior UDRP decisions, evidence a consistent and deliberate pattern of targeting the Complainant's rights.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 shown rights in respect of the trademarks MOULIN ROUGE and FEERIE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel notes that the disputed domain name is composed of two of the Complainant's registered trademarks which are both reproduced in the disputed domain name.

Regarding whether the disputed domain name is identical or confusingly similar to the Complainant's trademarks, there is no question that the disputed domain name, which consists solely of the combination of Complainant's MOULIN ROUGE and FEERIE trademarks, separated only by a hyphen, is confusingly similar to the Complainant's trademarks.

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.

The Complainant has confirmed that it has no relationship whatsoever with the Respondent. No license, authorization, or permission has ever been granted to the Respondent to use the Complainant's MOULIN ROUGE or FEERIE trademarks, including in connection with the disputed domain name.

The Panel further notes that the Respondent has previously been involved in UDRP proceedings under substantially identical circumstances - namely, where the domain names incorporated the Complainant's trademarks (see *BAL DU MOULIN ROUGE v. Ion Kostylev, vencom ltd*, WIPO Case No. [D2024-3588](#); and *Bal Du Moulin Rouge v. Ion Kostylev, vencom ltd*, WIPO Case No. [D2025-0735](#)). Previous panels have consistently held that a pattern of abusive domain name registrations targeting trademarks does not support a finding of rights or legitimate interests on the respondent. [WIPO Overview 3.0](#), section 2.5.2.

Based on the record, the Panel finds that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4.

To the contrary, the composition of the disputed domain name coupled with a pattern of multiple abusive domain name registrations, supports the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute 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.

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.

The Complainant's trademarks are internationally registered and widely recognized, particularly in connection with entertainment services and ticket sales.

It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely-recognized or well-known trademark by a third party who has no connection with the trademark is a clear indication of bad faith (see *Pepsico, Inc. v. Domain Admin*, WIPO Case No. [D2006-0435](#); and *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#)). In this regard, the Panel concludes that the Respondent was aware of the Complainant's well-known trademarks when registering the disputed domain name and that the disputed domain name has been registered in bad faith by the Respondent.

Moreover, the Panel notes that the Respondent had been involved in other UDRP cases as a respondent for abusive domain name registrations (see *BAL DU MOULIN ROUGE v. Ion Kostylev, vencom ltd*, WIPO Case No. [D2024-3588](#) and *Bal Du Moulin Rouge v. Ion Kostylev, vencom ltd*, No. D2025-0735). UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner. A pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners ([WIPO Overview 3.0](#), section 3.1.2). In this regard, the Panel considers that the Respondent has engaged in a pattern of trademark-abusive domain name registrations.

Lastly, it appears that the Respondent provided false contact information when registering the disputed domain name. The Respondent provided contact information related to France that seems inaccurate and false, and as such the courier was not able to deliver the Written Notice to the Respondent.

Having considered the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, the Respondent's failure to submit a response, the provision of false contact details, and its pattern of abusive domain name registrations, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith. Therefore, the Respondent's registration and use of the disputed domain name constitute 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 <feerie-moulin-rouge.com> be transferred to the Complainant.

/Elise Dufour/
Elise Dufour
Sole Panelist
Date: August 11, 2025