

ADMINISTRATIVE PANEL DECISION

Quintessence Paris SAS v. Top Miel, French Collection
Case No. D2025-2507

1. The Parties

The Complainant is Quintessence Paris SAS, France, represented by Walter Billet Avocats, France.

The Respondent is Top Miel, French Collection, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <quintessenceparis.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in French with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2025. On June 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 (Arabian Factory Ltd) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 July 4, 2025.

On June 30, 2025, the Center informed the parties in French and English, that the language of the registration agreement for the disputed domain name is English. On July 4, 2025, the Complainant submitted the Complaint translated into English.

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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 5, 2025.

The Center appointed Torsten Bettinger as the sole panelist in this matter on August 14, 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 French company located in Paris. Based on the Panel's independent verification¹, the Complainant is engaged in the field of olfactory marketing and specializes in the creation of bespoke scented products, including professional diffusers, scented candles, perfumes, and related accessories.

The Complainant is the owner of several registered trademarks for QUINTESSENCE PARIS. These include:

- European Union Trade Mark No. 018123502, registered on January 23, 2020, in class 3 for soaps, perfumes, essential oils, cosmetics, hair lotions, beauty masks, home fragrances, bath salts for non-medical purposes, fragrant potpourris, incense, and fragrant woods, and in class 4 for candles and wicks for lighting, and scented candles;
- United Kingdom Trade Mark No. UK00918123502, registered on January 23, 2020, covering the same goods in classes 3 and 4; and
- French Trade Mark No. 4580458, registered on January 3, 2020, in class 3 for soaps, perfumes, essential oils, cosmetics, hair lotions, beauty masks, home fragrances, bath salts (not for medical purposes), fragrant potpourris, incense, and fragrant woods, and in class 4 for candles and wicks for lighting, and scented candles.

The disputed domain name was registered on March 2, 2025.

The Complainant has provided an extract from the Internet Archive ("www.webarchive.org") showing the content of the website previously available at the disputed domain name <quintessenceparis.com>, which offered perfumes of various luxury brands.

On June 19, 2025, the disputed domain name resolved to a website displaying an image of a perfume bottle together with promotional text offering a 10% discount on a future order in exchange for the visitor's email address. The site includes a "Sign Up" function as well as a live chat window inviting users to "discuss with us" and providing options such as "track my order."

On April 25, 2025, the Complainant's representative sent a formal notice to the Respondent regarding the disputed domain name <quintessenceparis.com>, claiming trademark infringement and requesting transfer of the disputed domain name.

The Respondent replied on May 28, 2025, stating the website had been closed, that it was only a "project," and denying knowledge of the Complainant. The Respondent offered to sell the disputed domain name for EUR 10,000 or negotiate an agreement to use "Quintessence" with a different logo.

¹ Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

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 it is the owner of registered trademark rights in QUINTESSENCE PARIS in multiple jurisdictions.

With regard to the requirement of "identity or confusing similarity between the trademark and the domain name" pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that,

- the disputed domain name wholly incorporates the Complainant's mark, with "quintessence" in the leading position followed by "Paris," exactly as in the trademark;
- the addition of the ".com" generic Top-Level-Domain ("gTLD") is irrelevant when assessing similarity.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submits that,

- it has held European Union, United Kingdom and French trademarks QUINTESSENCE PARIS since 2020, while the disputed domain name <quintessenceparis.com> was only registered in March 2025;
- the Respondent admitted in correspondence to being unaware of these prior rights, confirming it has no connection with the Complainant and no authorization to use the mark.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that,

- the disputed domain name <quintessenceparis.com> redirected users to a website offering perfumes, which are identical or similar to those covered by the Complainant's trademarks;
- given the reputation of the QUINTESSENCE PARIS trademark, the Respondent could not have ignored its existence;
- the Respondent's use of the disputed domain name was intended to attract Internet users by creating a likelihood of confusion with the Complainant's mark;
- even a superficial search would have revealed the Complainant's earlier trademarks;
- the Respondent either knowingly registered the disputed domain name in infringement of the Complainant's rights, or failed in its duty to investigate;
- the Respondent has admitted that the website is merely a "project" and "closed," confirming the absence of legitimate use;
- passive holding of a domain name corresponding to a well-known mark constitutes use in bad faith;
- the Respondent acknowledged owning the disputed domain name and proposed to sell it to the Complainant for EUR 10,000, far in excess of its registration costs; UDRP precedent establishes that such conduct—seeking to profit from transfer to the trademark owner—constitutes bad faith;
- the Respondent's own statement that buying and selling domain names is "a known business" underscores its intent to profit improperly from the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three 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.

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 registered rights in the trademark QUINTESSENCE PARIS, which is protected by registrations in the European Union, the United Kingdom, and France. The disputed domain name <quintessenceparis.com> incorporates the Complainant's trademark in its entirety, with no alteration or omission. The mere addition of the ".com" gTLD is a standard registration requirement and is disregarded when assessing confusing similarity under the Policy.

The Panel recalls that it is well established that where a complainant's trademark is clearly recognizable within a disputed domain name, a finding of confusing similarity will normally be made. In this case, the disputed domain name is not only similar, but in fact identical to the Complainant's trademark.

Accordingly, the Panel finds that the disputed domain name <quintessenceparis.com> is identical to the Complainant's trademark QUINTESSENCE PARIS for the purposes of paragraph 4(a)(i) of the Policy.

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. 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.

According to the evidence submitted, the disputed domain name previously resolved to a website advertising perfumes of various luxury brands, which are products identical or similar to those covered by the Complainant's mark. Such use seeks to capitalize on the Complainant's goodwill and does not constitute a

bona fide offering of goods or services under paragraph 4(c)(i) of the Policy (see *Guccio Gucci S.p.A. v. Bravia Stoli*, WIPO Case No. [D2009-1170](#)).

More recently, as of June 19, 2025, the disputed domain name resolved to a website displaying perfume imagery, promotional text offering a 10% discount in exchange for the visitor's email address, a "Sign Up" function, and a live chat window inviting users to "discuss with us" and "track my order."

Such use is not indicative of an independent business legitimately known by the name "Quintessence Paris." Rather, it demonstrates the Respondent's attempt to create the impression of an online retail outlet trading on the Complainant's reputation. This type of activity is disruptive to the Complainant's business, as it diverts Internet users away from the Complainant's official channels and risks misleading them into believing they are engaging with the Complainant or an authorized distributor.

The Respondent is not commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy, nor has the Complainant authorized or licensed the Respondent to use its QUINTESSENCE PARIS trademark.

In correspondence of May 28, 2025, the Respondent acknowledged that the website was only a "project," denied knowledge of the Complainant, and offered to sell the disputed domain name for EUR 10,000 or negotiate an agreement to continue use of "Quintessence" with a different logo. Such conduct is inconsistent with any claim of rights or legitimate interests and instead supports the conclusion that the Respondent registered and used the disputed domain name opportunistically, seeking to exploit the Complainant's trademark value.

Also, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1).

The Panel therefore 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 has demonstrated rights in its QUINTESSENCE PARIS trademark, which is distinctive in relation to perfumes and luxury goods. While the word "quintessence" has a dictionary meaning, in combination with the geographical reference "Paris" it takes on a brand-like character rather than a descriptive one.

"Quintessence of Paris" is not a term commonly used to describe perfumes or fragrances in the ordinary course of trade; rather, it is evocative and distinctive, and panels have consistently found that respondents cannot rely on dictionary meanings where the domain name corresponds to an established trademark in a specific sector. The Respondent's registration and use of this distinctive term therefore supports an inference of targeting the Complainant's mark.

The Respondent has denied prior knowledge of the Complainant in correspondence dated May 28, 2025. The Panel does not find this denial credible. The disputed domain name reproduces the Complainant's distinctive trademark in its entirety, and was used for a website promoting perfumes, a market segment where the Complainant is active. In these circumstances, it is more likely than not that the Respondent registered the disputed domain name with knowledge of the Complainant's rights and with intent to exploit them.

The Panel therefore concludes that the Respondent registered the disputed 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.

In the present case, the Panel notes that the disputed domain name has been used for a website displaying perfume imagery, discount offers, email sign-up functions, and a live chat facility that demonstrates an intent to mislead Internet users into believing that the site was operated or endorsed by the Complainant. Such conduct constitutes bad faith use under paragraph 4(b)(iv) of the Policy, as it attempts to attract users for commercial gain by creating a likelihood of confusion with the Complainant's trademark. This is reinforced by the fact that the Respondent tried to sell the disputed domain name to the Complainant for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the disputed domain name.

In light of these circumstances, the Panel concludes that the Respondent both registered and is using the disputed domain name in bad faith.

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 <quintessenceparis.com> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: August 22, 2025