

ADMINISTRATIVE PANEL DECISION

Vilmorin-Mikado S.A.S v. mohammed khadim
Case No. D2025-2530

1. The Parties

The Complainant is Vilmorin-Mikado S.A.S, France, represented by Ebrand France, France.

The Respondent is mohammed khadim, Morocco.

2. The Domain Name and Registrar

The disputed domain name <vilmorin.store> 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 27, 2025. On June 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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 July 8, 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 9, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any formal response. The Center received an email from the Respondent on July 11, 2025. Accordingly, the Center informed the Parties of the commencement of the panel appointment process on August 4, 2025. The Respondent sent an email to the Center on August 4, 2025.¹

¹The Panel notes that the sender of the emails uses an email address displayed on the website to which the disputed domain name resolves. Considering that the sender claims to be the owner of the disputed domain name, and the Respondent did not object to such

The Center appointed Manuel Moreno-Torres as the sole panelist in this matter on August 13, 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 Franco-Japanese corporation doing business in more than 100 countries. The Complainant has specialized in the development, production, and sale of vegetable seeds for professionals since 1743.

The Complainant is the owner of the international trademark VILMORIN with registration number 402685, registered on November 23, 1973.

The disputed domain name <vilmorin.store> was registered on March 13, 2025 and resolved to a website displaying the Complainant's VILMORIN trademark and offering what purported to be the Complainant's VILMORIN products for sale. The disputed domain name is currently inactive.

The Complainant sent up to three cease and desist letter to the Respondent. The Respondent responded to have lawfully registered the disputed domain name and to not pretend to infringe any rights but willing to consider a reasonable offer.

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 to the Complainant's trademark since it is reproduced in its entirety.

The Complainant also alleges that the Respondent has no authorization to use the disputed domain name, neither the Complainant has found evidence suggesting that the Respondent is commonly known by the name "Vilmorin". Further, the Complainant contends that there is no bona fide offer of goods or services. Indeed, the Complainant believes that the products sold on the website to which the disputed domain name resolves are counterfeited.

Further, the Complainant says that due to the international knowledge of VILMORIN and the composition of the disputed domain name, the Respondent sought to be referred with the Complainant and its trademarks.

The Complainant finally contends that MX records have been configured.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent claimed legitimate ownership of the disputed domain name, asserting the disputed domain name was registered in good faith without intent to infringe on third-party rights. He maintained the disputed domain name was intended for lawful purposes and not registered to benefit from any existing trademark. The Respondent denied violating the Policy and requested the Panel recognize his right to retain ownership of the disputed domain name.

claim, the Panel finds it is appropriate to consider the emails were sent by the Respondent or on the Respondent's behalf under the circumstances of the case. The Panel will refer to these emails as the "Respondent's emails".

The Respondent expressed willingness to resolve the dispute amicably. However, he stated the disputed domain name would not be transferred without a “mutually acceptable agreement” that provides “proper consideration.” The Respondent requested this position be conveyed to the Complainant and indicated readiness for settlement discussions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel 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 was registered and is being used in bad faith.

There are no exceptional circumstances within paragraph 5(f) of the Rules to prevent the Panel from determining the dispute based upon the Complaint, notwithstanding the failure of the Respondent to file a Response. Under paragraph 14(a) of the Rules in the event of such a “default” the Panel is still required “to proceed with a decision on the complaint”, whilst under paragraph 14(b) it “shall draw such inferences therefrom as it considers appropriate”. This dispute resolution procedure is accepted by the domain name registrant as a condition of registration.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark VILMOREIN 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 applicable generic Top-Level Domain (“gTLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.

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.

The Panel notes that none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file.

Notably, the Panel notes that the Respondent was selling seeds under the VILMORIN trademark. The Complainant claims that the Complainant's branded product offered for sale on the Respondent's website has a different package, which indicates the product was not produced by the Complainant. The website does not include any disclaimer clarifying the (lack of) the relationship between the Parties. Such use of the disputed domain name does not comply with the Oki Data (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and [WIPO Overview 3.0](#), section 2.8.). The Panel finds that these circumstances provoke a situation of confusion to the consumer with the Complainant as to the origin its products or affiliation of the website and, therefore, no rights or legitimates interests are found in favor of the Respondent.

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 Panel recognizes the distinctive and well-known character of the Complainant's trademark. On balance, the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name due to their reputation and distinctiveness. Indeed, the later use of the disputed domain name using the Complainant's trademarks supports the conclusion of previous knowledge and that the registration was in bad faith.

In the present case, the Panel notes that the Respondent meets the circumstances depicted in paragraph 4(b)(iv) of the Policy. That is to say, the Respondent targeted Complainant's trademark to intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. This way, the Respondent disrupted Complainant's business.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's previous use of the disputed domain name in connection with the above-mentioned website, and finds that in the circumstances of this case the current 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 <vilmorin.store> be transferred to the Complainant.

/Manuel Moreno-Torres/

Manuel Moreno-Torres

Sole Panelist

Date: August 27, 2025