

ADMINISTRATIVE PANEL DECISION

TV5Monde v. web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***
Case No. D2025-2674

1. The Parties

The Complainant is TV5Monde, France, internally represented.

The Respondent is web master, Expired domain caught by auction winner.***Maybe for sale on Dynadot Marketplace***, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <tv5mondeedu.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2025. On July 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 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 Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 9, 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 amendment to the Complaint on July 9, 2025.

The Center verified that the Complaint together with the amendment to 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 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 July 31, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on August 5, 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 television (TV) network established in 1984, broadcasting 8 general and 2 thematic channels to 198 countries.

The Complainant, in addition to being the registrant of the domain name <tv5monde.com>, registered on May 21, 2001 (Annex 10 to the Complaint) and used in connection with its corporate website, is the owner of the following, amongst hundreds of others (Annex 8 to the Complaint), trademark registrations:

- France Trademark Registration No. 3090507 for the word mark TV5 MONDE, in classes 16, 28, 38 and 41, filed on March 15, 2001, and registered on August 24, 2001, subsequently renewed;
- European Union Trade Mark No. 002148625 for the word mark TV5 MONDE, in classes 16, 38 and 41, filed on March 21, 2001, and registered on June 17, 2002, subsequently renewed;
- International Trademark Registration No. 766488 for the word mark TV5 MONDE, in classes 16, 38 and 41, registered on July 30, 2001, subsequently renewed.

The disputed domain name was registered on April 22, 2025, and resolves to a parked webpage offering it for sale (for USD 2,888 at the time of the filing of the Complaint).

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 asserts to be the largest distributed French language TV network in the world since 1984, broadcasting to nearly 437 million households in more than 198 countries, having its TV5MONDE become widely known worldwide.

According to the Complainant, the disputed domain name consists of a reproduction of the Complainant's trademark, with the addition of the word "edu" as a contraction of the word "education", which represents one of the Complainant's activities given that the Complainant offers free French learning applications ("apps") in its website, having the Complainant's apps been downloaded more than 3.5 million times (Annex 11 to the Complaint).

Furthermore, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name given that:

- (i) the Complainant has never granted to the Respondent a license, permission or authorization to use its trademarks or register a domain name comprising its trademarks; there being no legal relationship between the Complainant and the Respondent which would entitle the Respondent to use or register the disputed domain name;
- (ii) there is no evidence of any legitimate use of the disputed domain name; and
- (iii) by using the disputed domain name solely in connection with its advertisement for sale for USD 2,888 at the time of the filing of the Complaint (Annex 12 to the Complaint), the Respondent has failed to create a bona fide offering of goods or services under the Policy, or a legitimate noncommercial or fair use of the disputed domain name given that such use indicates that the Respondent's sole intention is to profit from or

abuse the Complainant's trademark.

Moreover, the Complainant asserts that the mere registration of a domain name that is identical or confusingly similar to an established trademark can by itself create a presumption of bad faith, consisting the current use of the disputed domain name a clear indication that the Respondent registered it for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name. Additionally, the Complainant argues that where it appears that a respondent employs a privacy or proxy service merely to avoid being notified of a UDRP proceeding filed against it, panels tend to find that this supports an inference of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of the term "edu" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain name. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and neither has the Complainant ever licensed or given the Respondent any permission to register its trademark as a domain name.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the Complainant that could be inferred from the details known of the Respondent or the webpage relating to the disputed domain name, corroborate with the Panel's finding of the absence of rights or legitimate interests.

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 registration and use of the disputed domain name in bad faith are further corroborated in the present case in view of the following circumstances:

- (i) the composition of the disputed domain name, the well-known nature of the Complainant's trademark, the Complainant's registration and use of the domain name <tv5monde.com>, and the confusing similarity between the disputed domain name and said trademark indicate that the Respondent is most likely to have had the Complainant and its trademark in mind when registering the disputed domain name;
- (ii) the disputed domain name has been used in connection with a parked webpage offering it for sale for USD 2,888 which likely far exceeds the costs involved in registering the disputed domain name;
- (iii) the implausibility as to any good faith use to which the disputed domain name (entirely incorporating a well-known mark with a term related to the Complainant's activities) may be put; and
- (iv) the indication of what appears to be false contact details, the Center not having been able to deliver the written notice to the Respondent.

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 <tv5mondeedu.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: August 19, 2025