

ADMINISTRATIVE PANEL DECISION

Atelier de Production et de Création v. Huang Fangming Case No. D2025-2688

1. The Parties

The Complainant is Atelier de Production et de Création, France, represented by CASALONGA, France.

The Respondent is Huang Fangming, China.

2. The Domain Name and Registrar

The disputed domain name <boutiqueapc.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2025. On July 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 10, 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 11, 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 6, 2025.

The Center appointed Wilson Pinheiro Jabur 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 was founded by Jean Touitou in Paris in 1987, operating as a ready-to-wear luxury brand, having adopted the A.P.C trademark to sign clothing, bags, and accessories since 2005.

The Complainant has more than 80 stores in Paris, New York, Los Angeles, London, Sydney, Hong Kong, China, Berlin, Copenhagen, and Tokyo, also counting with 300 points of sale in multi-brand stores.

In addition to operating the domain name <apc.fr> (registered on January 8, 1996) as its official website, the Complainant is the owner of the following trademark registrations:

- France trademark registration No. 3370130 for the word mark A.P.C., registered on August 19, 2005, successively renewed, in classes 14, 18, and 25;
- European Union trademark registration No. 006843205, for the word mark A.P.C., registered on September 22, 2009, successively renewed, in classes 14, 18, and 25; and
- International trademark registration No. 1099666, for the word mark A.P.C., registered on September 21, 2011, successively renewed, in classes 3, 9, and 24.

The disputed domain name was registered on October 5, 2023, and presently resolves to an online shop in French, reproducing the Complainant's official website look-and-feel, purportedly offering for sale products under the A.P.C. brand at discounted prices.

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 that its A.P.C mark enjoys a certain reputation worldwide and is intensively used, having been one of the first worldwide brands to be involved in sustainability issues in the field of fashion. Moreover, the Complainant asserts to be very well-known for its interactions with artists and designers, with whom it collaborates to create capsule collections that are regularly displayed on its website.

The Complainant submits that the disputed domain name reproduces entirely the Complainant's A.P.C. trademark with the addition of the term "boutique" which causes confusing similarity, falsely suggesting to be an official website of the Complainant or affiliated to the Complainant.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- i. the Complainant has no relationship whatsoever with the Respondent;
- ii. no license, permission nor authorization to use the A.P.C. trademark was ever granted to the Respondent; never having the Complainant consented to the Respondent's use of the disputed domain name;
- iii. the disputed domain name has been used in connection with a website that reproduces the Complainant's website characteristics, trademark and products offering counterfeit goods, what cannot be considered a legitimate or fair use of the disputed domain name; and
- iv. the Respondent is not commonly known by the disputed domain name; and has acquired no trademark rights related to "APC".

Lastly, as to the bad faith registration and use of the disputed domain name, the Complainant submits that:

- the Complainant's trademark A.P.C. is a well-known trademark that has been extensively used for many years in the field of fashion, sale of clothing, bags and accessories;

- the Complainant's trademark was notably registered long before the disputed domain name was registered by the Respondent;
- the Complainant has never been authorized, licensed or otherwise consented to the Respondent's use of its trademarks or any confusingly similar variation thereof, for any purpose including as part of a disputed domain name;
- as a result, there is no doubt that the Respondent knew or should have known about the existence of the Complainant's trademarks, having the Respondent registered and used the disputed domain name in bad faith; and
- the disputed domain name is being used in connection with a website offering counterfeit A.P.C clothes, bags, and accessories, as well as reproducing the Complainant's A.P.C trademark.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth 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;
- (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 other terms (here, "boutique") 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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither authorized or licensed, nor been allowed to use the Complainant's trademark, whether in the disputed domain name, or in any other way.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Furthermore, according to the evidence submitted by the Complainant, the use of the disputed domain name in connection with a website purportedly offering for sale what appears to be counterfeit products, does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

a) the composition of the disputed domain name consisting of the reproduction of the Complainant's well-known trademark. Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4;

b) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name;

c) the indication of what appears to be false contact details by the Respondent, not having been able to deliver the Written Notice to it;

d) the Respondent's choice to retain a privacy protection service in an attempt to conceal its identity; and

e) the Respondent has used the disputed domain name purportedly offering what appears to be counterfeit goods.

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 <boutiqueapc.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: August 22, 2025