

ADMINISTRATIVE PANEL DECISION

JJA v. James Jerome
Case No. D2025-2707

1. The Parties

The Complainant is JJA, France, represented by Dennemeyer & Associates S.A., Luxembourg.

The Respondent is James Jerome, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <mobilierhesperide.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 9, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 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 11, 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 11, 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 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 Rebecca Slater as the sole panelist in this matter on August 12, 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 family-owned company, headquartered in France. The Complainant was founded in 1976. It offers a comprehensive range of products in the home furnishings and decor sector.

The Complainant holds registrations for the HESPERIDE trade mark in numerous jurisdictions, including International Trade Mark Registration No. 1044063 for HESPERIDE composite mark (registered January 27, 2010), European Union Trade Mark Registration No. 010379196 for HESPERIDE word mark (registered April 30, 2012) and United Kingdom Trade Mark Registration No. 00910521201 for HESPERIDE word mark (registered May 22, 2012) (the "Trade Mark").

The Complainant is also the registrant of the <hesperide.com> (registered July 31, 2008) and <hesperide.fr> (registered November 25, 2015) domain names. Both domain names direct to the Complainant's official website "www.hesperide.com".

The Respondent is an individual apparently located in the US. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on June 6, 2025.

The disputed domain name resolves to a French language website that displays various outdoor furniture products for sale.

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 "highly confusing" to the Trade Mark. The disputed domain name is composed of the Trade Mark and the additional generic French word "mobilier", which describes the products that the Complainant sells under the Trade Mark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name resolves to a website that unlawfully markets the Complainant's products at low prices and uses copyrighted images and product names from the Complainant's official website. For example, a product advertised for 1432 EUR on the Complainant's website is advertised for 98.99 EUR on the website at the disputed domain name.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent was aware of the Complainant's business and Trade Mark when the Respondent registered the disputed domain name, as evidenced by the Respondent's use of copyrighted images from the Complainant's website. The Respondent is attempting to trade on the goodwill and reputation of the Trade Mark. Internet users will be misled into believing that the website at the disputed domain name is the Complainant's website or that the Complainant has authorized the Respondent to sell the Complainant's products.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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

The entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the term "mobilier", which translates to "furniture") may bear on assessment of the second and third elements, the Panel finds the addition of this 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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been commonly known by the disputed domain name.

The evidence provided by the Complainant (i.e., comparisons of the copyrighted images of products available on the Complainant's website and the website to which the disputed domain name resolves) indicates that the disputed domain name has been used to either: (a) impersonate the Complainant and its business; or (b) to create the incorrect impression that the Respondent is affiliated with the Complainant or authorized to sell the Complainant's products at substantially discounted prices. Previous panels have consistently held that such use of a domain name does not represent a bona fide offering because it capitalizes on the reputation and goodwill of the complainant's trade mark.

Panels have also held that the use of a domain name for illegitimate activity (here, claimed as impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where a respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given the reputation of the Complainant and the composition of the disputed domain name which includes the Trade Mark and the term "mobilier" which is descriptive of the Complainant's products. The Respondent's goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain. This finding is reinforced by the Respondent's use of the website at the disputed domain name to display copyrighted images of products from the Complainant's website and offer those products for sale at significantly reduced prices.

Additionally, Panels have held that the use of a domain name for illegal activity (here, claimed as impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <mobilierhesperide.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: August 22, 2025