

ADMINISTRATIVE PANEL DECISION

JJA v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2025-2712

1. The Parties

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

Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <les-hesperides.com> (the “Domain Name”) is registered with DropCatch.com LLC (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 Domain Name. On July 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email to Complainant on July 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 6, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 11, 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

Complainant, founded in 1976, is a France-based firm that manufactures and sells furniture and other home furnishings, including garden and exterior furniture. Complainant maintains partnerships and collaborations in various countries, including in China since 1979.

Complainant owns numerous trademark registrations in various jurisdictions for HESPÉRIE and HESPERIDE (alone or in combination with other words, and as a word mark or a stylized mark), including International Registration No. 1044063, for HESPÉRIE, registered on January 27, 2010, and European Union Reg. No. 010379196, for HESPERIDE, registered on April 30, 2012.

Complainant also owns various domain names, including <hesperide.com> (registered on July 31, 2008), and <hesperide.fr> (registered on November 25, 2015).

The Domain Name was registered on May 26, 2025. The Domain Name resolves to a parking page which contains various hyperlinks, such as “Mobiliers de Balcon” (“Balcony Furniture”) and “Table Pour Extérieur” (“Outdoor Table”), which links redirect the user to websites of Complainant’s competitors. Complainant asserts that it is “reasonable to infer that the Respondent earns pay-per-click revenue in relation to such sponsored links.”

Complainant has also submitted evidence showing that the Domain Name was available for purchase for USD 59,00.

Respondent does not deny any of the foregoing allegations or dispute any of the evidence presented by Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the trademark HESPERIDE through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar. The Domain Name entirely incorporates the HESPERIDE mark and merely adds the pluralizing “s” and the French plural definite article “les.” Despite these additional characters, the Panel finds that the HESPERIDE mark remains recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward to deny any of Complainant's allegations or dispute any of Complainant's evidence. Nor has Respondent come forward to articulate some purportedly legitimate reason for registering the Domain Name.

The Panel notes that the Hesperides were evening nymphs in Greek mythology, and hence the HESPERIDE mark is not fanciful, i.e., a coined word. In any event, Respondent has provided no evidence that it registered the Domain Name because of the mythological nymphs. The fact that the Domain Name resolved to a website featuring hyperlinks related to Complainant's main product lines (such as outdoor furniture) indicates that Respondent very likely targeted Complainant's mark and has sought to exploit it for commercial gain. This conduct does not invest Respondent with a legitimate interest in the Domain Name.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. On this undisputed record, the Panel finds it more likely than not that Respondent targeted Complainant's trademark when registering the Domain Name, and has used the Domain Name for illegitimate commercial gain by seeking to sell it at a profit (absent any evidence from Respondent to the contrary) and by deriving per-click revenue through hyperlinks to Complainant's competitors. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraphs 4(b)(i) and 4(b)(iv), respectively.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <les-hesperides.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: August 25, 2025