

ADMINISTRATIVE PANEL DECISION

Hachette Filipacchi Presse v. Manish, Winfolink
Case No. D2025-2726

1. The Parties

Complainant is Hachette Filipacchi Presse, France, represented by Novagraaf France, France.

Respondent is Manish, Winfolink, India.

2. The Domain Name and Registrar

The disputed domain name <elleindia.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 10, 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, confirming that Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Response was filed with the Center on August 3, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on August 18, 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 Complaint and the evidence of record submitted in its attached Annexes, which has not been contested by Respondent, is sufficient to support the following:

Complainant is responsible for the French fashion magazine published under the trademark ELLE (the “ELLE Mark”) which has been in existence since 1945 and is published all over the world through 50 international editions reaching 32 million readers. Complainant and its ELLE Mark have a similarly strong Internet presence through numerous websites including those relaying the 50 editions online such as “www.elle.com”, “www.elle.fr”, “www.elle.in”, “www.elle.de”, “www.elle.es”, accessed by 100 million unique visitors per month on 55 digital platforms. For purposes relevant to this Decision Complainant also shows that Complainant launched the Indian edition of ELLE magazine in 1996, and its Instagram account for the Indian edition of ELLE magazine is followed by more than 1.1 million people in India.

Complainant owns a number of registrations around the world for the ELLE Mark for its fashion publications and fashion related goods and services, including the following:

Indian Trademark Registration No. 472237, ELLE, filed on May 14, 1987, in International Class 16;

Indian Trademark Registration No. 645372, ELLE, filed on November 11, 1994, in class 18;

European Union Trademark Registration No. 3475365, ELLE, filed on October 30, 2003 and registered on October 11, 2005, in classes 16, 35, 38, 41 and 42.

Complainant has also registered numerous domain names that wholly incorporate the ELLE Mark, including <elle.com> registered on April 4, 1996, used to access the official ELLE Mark website (“Official ELLE Mark Website”) where it promotes its fashion publication and related services in connection with the ELLE Mark, as well as owning a number of official registered domain names in country-code Top-Level Domains (“ccTLD”) including <elle.fr> created on June 20, 2005, <elle.in> created on February 14, 2005, and <elle.mx> created on July 30, 2009. Complainant also shows that a common configuration it uses for its official domain names is a combination of the ELLE Mark followed by a geographic descriptor, such as <ellearabia.com>, <ellecanada.com> and <ellethailand.com>, identical to the configuration used by the disputed domain name.

The disputed domain name was registered on October 14, 2022, and the record evidence submitted shows it resolved to a website displaying pages of fashion photography and digital images of purportedly fashion clothing for sale beneath, initially at the time of the filing of the Complaint, Complainant’s ELLE Mark and the “ELLE INDIA” logo in a stylized font similar to the content on the Official ELLE Mark Website, which official logo has now been reduced to only the letters EL in response to demand letters from Complainant but still showing images of fashion products for sale and a contact email address of [...]@elleindia.com. In response to Complainant’s offer to purchase the disputed domain name at its “technical value” (based on invoices related to the registration and renewal of the disputed domain name), Respondent countered with an amount substantially in excess of Respondent’s admitted documented out-of-pocket costs directly related to the domain name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that Complainant's ELLE Mark is "well-known by a large fraction of the public worldwide", recognized as being well known in many countries, and notably in several decisions by the European Union Intellectual Property Office cited by Complainant in its Complaint. Complainant also contends that the ELLE Mark specifically enjoys a significant reputation in India, where Respondent is purportedly located, because its magazine has been distributed in India since 1996 and the Instagram account for the Indian edition of ELLE magazine is followed by more than 1.1 million people. Complainant asserts that the disputed domain name is confusingly similar to the ELLE Mark because the disputed domain name clearly incorporates Complainant's ELLE Mark in its entirety, followed by the term "india" and the Top-Level Domain ("TLD") ".com", neither of which is sufficient to prevent a finding of confusing similarity.

Complainant submits that there are no rights or legitimate interests held by Respondent in respect of the disputed domain name. Respondent is not commonly known by the disputed domain name, nor does Respondent have any authorization or license from Complainant to use the ELLE Mark or to register the disputed domain name.

Complainant contends that the fact the disputed domain name resolved to a website using Complainant's ELLE Mark and logo using its identical font style to sell fashion clothing, prior to notice of infringement to Respondent shows Respondent intentionally targeted Complainant's ELLE Mark, the aim of Respondent is to create a false association between Complainant's ELLE Mark and the disputed domain name to confuse Internet users searching for Complainant's products or services, Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Respondent's illegitimate use of the disputed domain name does not confer a legitimate interest.

Complainant contends that the disputed domain name was registered and is being used in bad faith. First, Complainant asserts that the ELLE Mark is recognized worldwide and therefore Respondent must have been aware that it would be registered as a trademark in various jurisdictions worldwide. Complainant submits, therefore, that Respondent knowingly registered the disputed domain name in bad faith with the intention of targeting Complainant's ELLE Mark to illegally trade off the goodwill and reputation attaching to Complainant's ELLE Mark. Complainant contends that Respondent's use of the disputed domain name is to capitalize on the reputation of Complainant's trademark by diverting Internet users seeking Complainant's services to Respondent's website for financial gain, by intentionally creating a likelihood of confusion with Complainant's registered trademark as to the source, sponsorship, affiliation, or endorsement of its website and/or the goods and services offered or promoted through the website. Complainant contends, therefore, that Respondent's conduct amounts to registration and use of the disputed domain name in bad faith.

Regarding the Response, Complainant contends Respondent's initial response to Complainant's demand letter resulted in a substitute change to a logo still using Complainant's stylized font for "El India", and shows Respondent refused to take down the disputed domain name without purchase for an extortionate amount or agreeing to hire Respondent to run the website on behalf of Complainant. Complainant contends in response to its email proposing to purchase the disputed domain name for technical value based on invoices for registration and renewal by Respondent, the invoice created and submitted by Respondent was for an amount substantially above the out-of-pocket costs for registration and renewal presented by Respondent and added "miscellaneous fees" and "additional amounts" totaling tens of thousands of USD above out-of-pocket costs. A sale price of such magnitude expressly disclosed by Respondent to include such "miscellaneous" fees is additional evidence of bad faith on the part of Respondent.

B. Respondent

Respondent asserts in his Response, which attaches a series of emails with Complainant as exhibits, that he “was unaware of Complainant’s rights in the ELLE trademark at the time of registration”. Respondent also contends that after he was contacted by Complainant in its demand letter he removed all references to “ELLEINDIA” from his website and Instagram, and substituting “EI INDIA” as Respondent’s new visual identity, and generally denies he attempted to mislead users, exploit brand equity, or act in bad faith. Respondent also contends that he made “required changes in the website / Instagram logo, which is in no conflict with trademark of your client ELLEINDIA” and provided invoices showing the amount he would accept to transfer ownership in the disputed domain name.

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the “balance of the probabilities” or “preponderance of the evidence” standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of the probabilities that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

A. Identical or Confusingly Similar

Ownership of a nationally registered trademark constitutes prima facie evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant claims trademark rights in the ELLE Mark for its fashion publication services dating back to 1945. Sufficient evidence has been submitted in the form of electronic copies of valid and subsisting international trademark registration documents in the name of Complainant and therefore, Complainant has demonstrated it has rights in the ELLE Mark. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#).

With Complainant’s rights in the ELLE Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant’s ELLE Mark. It is well accepted that the first element functions primarily as a standing requirement and that the threshold test for confusing similarity involves a “reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name”. [WIPO Overview 3.0](#), section 1.7.

Prior UDRP panels have held the fact that a domain name wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy despite the addition of other terms to such marks. [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"); see also *BNP Paribas v. Ronan Laster*, WIPO Case No. [D2017-2167](#).

The disputed domain name incorporates Complainant's ELLE Mark in its entirety and adds the term "india" – though this matters only for the second and third elements. Respondent's addition to Complainant's Mark of this term to form the disputed domain name does not prevent a finding of confusing similarity as noted by prior UDRP panels in similar cases involving geographic terms added to a well-known mark. See *AXA SA v. YAnina, Dostavka Produktov*, WIPO Case No. [D2017-0237](#).

The addition of the TLD ".com" is irrelevant in determining whether the disputed domain name is confusingly similar. [WIPO Overview 3.0](#), section 1.11; See *Research in Motion Limited v thamer Ahmed Alfarshooti*, WIPO Case No. D2012-1146; see also *L'Oréal v Tina Smith*, WIPO Case No. [D2013-0820](#).

Based on the above, this Panel finds that the added term "india" does not prevent a finding of confusing similarity between the disputed domain name and Complainant's ELLE Mark. Complainant's ELLE Mark remains fully recognizable as incorporated in its entirety into the disputed domain name. Accordingly, the Panel finds the disputed domain name confusingly similar to the ELLE Mark in which Complainant has rights and Complainant has thus satisfied its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on 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 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. See also *The American Automobile Association, Inc. v. aaaaautoinsurance.com Privacy--Protect.org, aaa-netaccess.com Privacy--Protect.org, aaanetacceess.com Privacy--Protect.org, Isaac Goldstein*, WIPO Case No. [D2011-2069](#).

Paragraph 4(a)(ii) of the Policy also directs an examination of the facts to determine whether a respondent has rights or legitimate interests in a domain name. Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward in its Response with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The first example, under paragraph 4(c)(i), is where "before any notice to you 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".

Here, the annex to the Complaint shows that Respondent's website as originally configured when Complainant notified Respondent of its infringing use accessed through the disputed domain name featured fashion products and services with digital images of fashion models selling fashion clothing for women

displaying Complainant's ELLE Mark and a logo using a stylized font similar to Complainant's. Noting also the composition of the disputed domain name which comprises the Elle Mark with a geographical term, similarly to Complainant's official domain names noted in section 4, the record is sufficient for the Panel to reasonably conclude that Respondent's website at the disputed domain name was configured to create a false association with Complainant to confuse consumers, to pass itself off as having the affiliation, sponsorship or endorsement of Complainant, which Complainant contends defeats any claim of use of the disputed domain name in connection with a bona fide offering of goods or services to demonstrate rights or legitimate interests in the disputed domain name. Respondent cannot avail himself of the benefit of paragraph 4(c)(i).

Paragraph 4(c)(ii) provides another scenario in which a respondent may demonstrate rights or legitimate interests in a disputed domain name by showing that the respondent is commonly known by the domain name. Complainant states that Respondent is not related in any way to Complainant, does not conduct any activity for, nor has any business with Complainant. Similarly, Complainant granted no license or authorization to Respondent to make any use of Complainant's ELLE Mark or apply for registration of the disputed domain name. Complainant has never authorized Respondent to use the ELLE Mark, or any marks confusingly similar thereto for any purpose, including as a domain name. Prior UDRP panels have found a lack of rights or legitimate interests under the second element of the Policy based on such circumstances. See, e.g., *Charles Schwab & Co., Inc. v. Josh Decker d/b/a I GOT YOUR TIX*, WIPO Case No. [D2005-0179](#); *Guerlain S.A. v. H I Investments*, WIPO Case No. [D2000-0494](#).

Complainant also shows that Respondent is not commonly known by the disputed domain name because the Registrar identified the registrant information in its verification process as "Manish" and his registrant organization "Winfolink", of India. Respondent does not bear any resemblance to the disputed domain name whatsoever. Thus, there is no evidence in this case to suggest that Respondent is commonly known by the disputed domain name, that it is licensed or otherwise authorized to use Complainant's trademark, or that it has acquired any trademark rights relevant thereto. As such, the Panel finds this sub-paragraph of the Policy is of no help to Respondent, and the facts presented here support a lack of rights or legitimate interests in the disputed domain name. See *Expedia, Inc. v. Dot Liban, Hanna El Hinn*, WIPO Case No. [D2002-0433](#).

Complainant's evidence of use in the Complaint also supports Complainant's contention that Respondent cannot claim prior rights or legitimate interests in the disputed domain name. See [WIPO Overview 3.0](#), section 2.1.

In light of the above, and with no evidence in the Annexes to the Response or other submission in this case to rebut Complainant's assertions and evidence, the Panel finds that the facts of this case demonstrate that Respondent has no rights or legitimate interests in the disputed domain name. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g., *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. [D2015-2202](#).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

First, Complainant contends and has shown in the annexes to its Complaint (see, e.g., the decision of the Cancellation Division of the European Union Intellectual Property Office ("EUIPO") in *Hachette Filipacchi Presse Société Anonyme v. Wei Feng*, No C 43 526 of October 28, 2020; decision of the EUIPO Board of

Appeal in *Hachette Filipacchi Presse v. Yiwu Xingjie Network Technology Co., Ltd.*, No. R 2341/2020-1 of February 14, 2022) that Complainant and its ELLE Mark are well known throughout the world, including in India, where Respondent is purportedly located, such that Respondent could not have been unaware of it when he registered the disputed domain name.

Complainant further contends that there is no explanation to register the disputed domain name other than to target Complainant. Given its ELLE Mark is well known worldwide, and the disputed domain name incorporates it in its entirety, the Panel finds bad faith registration based on Respondent's knowledge of the ELLE Mark given its widespread recognition, including in India where Respondent is purportedly located. See *Carrefour v. Registration Private, Domains by Proxy LLC / Nisar Ahmad Zafar*, WIPO Case No. [D2016-2506](#).

Prior UDRP panels under similar circumstances have found that where a well-known mark of worldwide reputation has been in use and registered for many years before Respondent registered the disputed domain name and further used it for offering services similar to Complainant's, it would be implausible to believe that Respondent selected and was using the disputed domain name for any purpose other than to trade on Complainant's trademark rights and reputation, establishing a fact pattern that repeatedly has been held to constitute bad faith registration.

Prior UDRP panels have also held that a respondent's selection of a disputed domain name that comprises the complainant's mark in its entirety demonstrates a respondent's likely actual knowledge to support a finding of bad faith in registering and using the domain name. See, e.g., *Lloyds Bank Plc v. Marc Wiese*, WIPO Case No. [D2015-0914](#); see also *Heineken Brouwerijen B.V. v Mark Lott*, WIPO Case No. [D2000-1487](#). Moreover, panels have consistently found that the mere registration of a domain name that is identical or confusingly similar 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.

Given the widespread recognition of Complainant's ELLE Mark, including in India, where Respondent is purportedly located, and decades of use of the ELLE Mark prior to Respondent's registration of the disputed domain name on October 14, 2022, the composition of the disputed domain name similar to Complainant's official domain names comprising the Elle Mark and a geographical term, the prior use of the disputed domain name featuring the "ELLE" logo in a stylized font similar to that of Complainant and offering fashion products, the Panel takes the view that Respondent's intention when registering the disputed domain name was to take unfair advantage of the likelihood of confusion between the disputed domain name and Complainant as to the origin or affiliation of the website at the dispute domain name. Added to these circumstances is Respondent's expressed intent to profit significantly through the sale of the disputed domain name in response to Complainant's offer to purchase at the technical value, with an invoice showing additional padding of "miscellaneous fees" and an additional fee added above its listed fees totaling tens of thousands of USD above its disclosed out-of-pocket costs to register and renew the disputed domain name. The change in use of the disputed domain name (changing the logo appearing on the website) does not alter the Panel's conclusion, noting, in particular, Respondent's first change of the logo into "EL India" using a font nearly identical to Complainant's. Given the totality of the circumstances of this case, the Panel finds that this change in use rather reinforces the finding that there was no good faith intention behind the registration and use of the disputed domain name. Respondent's use and registration of the disputed domain name, therefore, must be considered to be in bad faith. See [WIPO Overview 3.0](#), section 3.1.1 and 3.1.4.

The Panel finds Respondent's assertions denying awareness of Complainant's trademark rights unpersuasive, his evidence of his out-of-pocket costs compared to his asking price supportive of bad faith and his Response insufficient to tip the scales in his favor. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and Complainant has satisfied paragraph 4(a)(iii) 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 <elleindia.com> be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: September 3, 2025