

ADMINISTRATIVE PANEL DECISION

FRANKIE SHOP LLC v. su ke, su ke

Case No. D2025-2741

1. The Parties

The Complainant is FRANKIE SHOP LLC, United States of America (“United States”), represented by Coblenca Avocats, France.

The Respondent is su ke, su ke, China.

2. The Domain Name and Registrar

The disputed domain name <thefrankieshop-us.shop> 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 11, 2025. On July 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 15, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on July 15, 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 15, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 8, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on August 15, 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 Limited Liability Company (LLC) that operates a retail business under the brand THE FRANKIE SHOP and under third party brands across the world. Its offering specializes in clothing, accessories, women's shoes, and cosmetics. Established in 2015, the Complainant operates through the websites "www.eu.thefrankieshop.com" and "www.thefrankieshop.com". The Complainant is the owner of several trademarks for THE FRANKIE SHOP (referred as the "Mark"), including:

- the word international trademark registration № 1648994, registered for THE FRANKIE SHOP on October 12, 2021, in classes 03, 04, 09, 14, 18, 25 and 35 designating Australia, Brazil, Canada, China, European Union, Israel, India, Japan, Malaysia, Mexico, Morocco, Norway, New Zealand, Republic of Korea, Russian Federation, Qatar, Singapore, Switzerland, Thailand, Türkiye, Ukraine, United Kingdom, United Arab Emirates, and United States;
- the word French trademark № 4762800, registered for THE FRANKIE SHOP on August 9, 2024 in classes 03, 04, 09, 14, 18, 25 and 35;
- the word US trademark № 97050056, registered for THE FRANKIE SHOP on April 18, 2023 in class 35.

The Complainant is the owner of several domain names composed of the words "FRANKIE" or "FRANKIE SHOP" (referred as "Domain Names"), including the following:

Domain Names	Reservation date
<thefrankieshop.com>	September 17, 2014
<frankie.shop>	January 19, 2022
<frankieshop.us>	January 19, 2022
<thefrankieshop.us>	September 23, 2022
<frankie-shop.us>	January 19, 2022
<the-frankie-shop.us>	January 19, 2022
<the-frankie-shop.com>	January 19, 2022
<frankieshop.shopping>	June 23, 2023

The disputed domain name <thefrankieshop-us.shop> was registered on June 4, 2025.

According to the Complainant's un rebutted evidence the disputed domain name resolves to an inactive website which signals: "This store is under construction".

The Respondent is, by all appearance, a natural person located in China. The Respondent did not reply to the Complaint.

There is no affiliation, commercial or otherwise, between the Complainant and the Respondent.

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 confusingly similar to the Complainant's Mark and its Domain Names. The disputed domain name incorporates the entirety of the terms of the Mark "the"; "frankie"; "shop" in the same order and the Complainant's Domain Names with the addition of the hyphen and geographical term "us" and of the generic Top-Level Domain ("gTLD") ".shop". The Complainant asserts that the addition of those terms does not dispel the confusing similarity between the Complainant's Mark and the Complainant's Domain Names and the disputed domain name. The Complainant contends that the Respondent aims to imitate the Complainant's Mark and the Domain Names, in order to deceive and divert potential customers.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent is not a licensee, nor a third party authorized to use the Mark or the Domain Names. Moreover, the Complainant states that it does not know the Respondent. Furthermore, the Complainant asserts that the Respondent acted with malicious intention by registering the disputed domain name to take advantage of the Mark's reputation and mislead customers. The disputed domain name leads to an inactive website signaled to be "under construction".

The Complainant further states that the Respondent registered and uses the disputed domain name in bad faith. The Respondent could not have been unaware of the Complainant's Mark and Domain Names, given its non-generic formulation and its reputation. The Complainant asserts that the passive holding of the disputed domain name constitutes bad faith use by the Respondent by misleading the public in the view of commercial gain.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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 Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. See [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor of this case.

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. See [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. See [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's Mark satisfy the first requirement for establishing "rights" in a mark. As the Panel notes in the present case, the Complainant owns trademark rights for THE FRANKIE SHOP in various jurisdictions.

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. See [WIPO Overview 3.0](#), section 1.7.

Although the addition of the hyphen and other terms here, "us" and ".shop" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.8.

The disputed domain name ends with the gTLD ".shop". Panels have held previously that such an addition in a domain name is technically required. It is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. The gTLD ".shop" was not taken into account by the Panel in the comparison between the Mark and the disputed domain name. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#); *Mercado Libre Inc v. P Mercado Pago, Pedro Yukio Sato*, WIPO Case No. [D2022-0624](#); [WIPO Overview 3.0](#), section 1.11.1.

Furthermore, the disputed domain name adds the hyphen and the term "us" at the end of the Mark, which the Panel finds could be seen as implicitly referring to the United States. The Panel notes that the Complainant has registered various domain names that clearly indicate a geographical context (rather than evoking the impression of the first-person plural noun) as the following "thefrankieshop.us". The term "us", separated by a hyphen from the Mark, mimics country code Top-Level-Domains such as ".us". The Panel has confirmed on numerous occasions that the addition of such a geographical term does not prevent a finding of confusing similarity between the disputed domain name and the Marks for the purposes of the Policy. See *Allianz SE v. IP Legal, Allianz Bank Limited*, WIPO Case No. [D2017-0287](#); *Frankie Shop LLC v. Reece Kemp, Jake Foster Spencer Collier, Niamh Willis, Lucy Nash*, WIPO Case No. [D2023-4362](#); *Frankie Shop LLC v. Johnny G Everett*, WIPO Case No. [D2025-0061](#); [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds the disputed domain name to be confusingly similar to the Complainant's Mark for the purposes of satisfying paragraph 4(a)(i) of the Policy. The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See [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. See *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.*, WIPO Case No. [D2012-2006](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); [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.

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to, or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

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

As regards the first and second circumstances, the Complainant credibly submits that it has never authorized, licensed, or permitted the Respondent to use the disputed domain name incorporating its well-reputed Mark and has had neither prior nor current relations with the Respondent. The Panel finds that the Respondent does not use the disputed domain name with a bona fide offering of goods and services, nor has it been commonly known by the disputed domain name, therefore not meeting the requirements of paragraph 4(c)(i) and (ii) of the Policy. See *Red Bull GmbH v. Harold Gutch*, WIPO Case No. [D2000-0766](#); *Compagnie Gervais Danone v. Duxpoint and Alejandro Gomez*, WIPO Case No. [D2008-1799](#); *Publicare Marketing Communications GmbH v. G.E.D. Faber / GAOS BV*, WIPO Case No. [D2012-1580](#); [WIPO Overview 3.0](#), section 2.2 and section 2.3.

As regards the third circumstance, the disputed domain name is passively held. The Panel takes note that the disputed domain name resolves to an inactive website, which signals to be "under construction". The Complainant credibly submits that the Respondent attempts to be assimilated to the Mark in view of commercial gain. The Respondent has not rebutted the Complainant's contention. The Panel finds that the Respondent does not have a legitimate noncommercial or fair use of the disputed domain name, therefore not meeting the requirements of paragraph 4(c) (iii) of the Policy. See [WIPO Overview 3.0](#), section 2.1.

It has been previously held by the panels that the lack of the requirements of paragraph 4(c) of the Policy, combined with the inactivity of the website to which the website resolves, establishes that the Respondent has no rights or legitimate interests in the disputed domain name. See *Philip Morris USA Inc. v. Daniele Tomatore*, WIPO Case No. [D2016-1302](#); *Frankie Shop LLC v. 蔡文辉 (wenhui cai / cai wenhui)*, WIPO Case No. [D2023-1815](#); [WIPO Overview 3.0](#), section 2.1.

Therefore, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name for satisfying paragraph 4(a)(ii) of the Policy. The Respondent did not respond to the Complainant's contentions, and failed to rebut that prima facie case.

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.

In the present case, the Panel notes that the Respondent registered and used the disputed domain name to divert potential customers from the Complainant by creating a likelihood of confusion with the Complainant's Mark. Based on the Complainant's contentions, which are not rebutted by the Respondent, the Respondent operates an inactive website whose disputed domain name is confusingly similar to the Complainant's Mark. Moreover, the Respondent provided false contact information while registering the disputed domain name. The Panel has held before that this behavior is incompatible with a claim of good faith registration or use. The use of false contact information is a strong indicator that the Respondent itself recognizes the illegitimacy of its activities and wishes to avoid being identified or contacted. See *Headquarters 4 Sports, Inc. v. jian guizhen*, WIPO Case No. [D2025-1767](#); [WIPO Overview 3.0](#), section 3.1.

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. See [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Complainant's rights in the Mark predate the registration of the disputed domain name. Also, Panels have held previously that the reputation of the Complainant's Mark is an indicator of bad faith in the registration. The Complainant credibly submits that its Mark attracts a high social media following and has been featured in Vogue, thus enjoying an international reputation with the use of the Mark. As established presently, the Respondent has reproduced the Mark in its entirety, with the addition of the hyphen and two terms which the Panel deems insignificant, to benefit from the Complainant's reputation in the view of attracting the Complainant's potential customers, which the Respondent has not rebutted. The Panel finds that the Respondent intended to be assimilated to the Mark's reputation by registering and using the disputed domain name. See *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Booking.com BV v. Chen Guo Long Case*, WIPO Case No. [D2017-0311](#); *Frankie Shop LLC v. Bgeew Aferg*, WIPO Case No. [D2022-3619](#); *Frankie Shop LLC v. Jie Wen*, WIPO Case No. [D2022-4197](#); [WIPO Overview 3.0](#), section 3.1.4.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel finds that a website page, which use is limited to signaling to be "under construction", accounts to the non-use of the disputed domain name by the Respondent. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#); [WIPO Overview 3.0](#), section 3.3. The Panel notes the distinctiveness and the reputation of the Complainant's Mark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy, satisfying paragraph 4(a)(iii) of the Policy.

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 <thefrankieshop-us.shop> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: August 29, 2025