

## **ADMINISTRATIVE PANEL DECISION**

Atelier de Production et de Creation (A.P.C.) v. Timothy Anderson  
Case No. D2025-2798

### **1. The Parties**

The Complainant is Atelier de Production et de Creation (A.P.C.), France, represented by Casalonga Avocats, France.

The Respondent is Timothy Anderson, United States of America ("United States" or "U.S.").

### **2. The Domain Name and Registrar**

The disputed domain name <apcsus.shop> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 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 28, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 20, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on August 22, 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 in this administrative proceeding is a prominent French fashion house established in 1987. It offers its products and services using the term “A.P.C.”, which is an abbreviation of its company name.

The Complainant is present throughout the world with more than 80 of its own stores in e.g. Paris, New York, Los Angeles, London, Sydney, Hong Kong, Berlin, Copenhagen and Tokyo and 300 points of sale in multi-brand stores.

The Complainant’s international portfolio of A.P.C trademarks include the U.S. Trademark Registration No. 3552488 with the registration date of December 30, 2008.

The Complainant is also owner of a number of domain names incorporating its trademark. For example, the domain name <apc.fr> which was registered on January 7, 1996, resolves to its international website and the domain name <apc-us.com> which was registered on November 14, 2017, resolves to its U.S. website.

The disputed domain name was registered on October 31, 2024, and has been resolving to a website that offers various clothing articles for women and men.

#### **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 which incorporates the entirety of its trademark is identical or almost identical to the trademark and the additional element “sus” which is the French translation of “up high, higher, on” designating the language of the Complainant, with the associated Top Level Domain (“.shop”), will increase the confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- since the Complainant’s trademark has been extensively used in many countries the Respondent likely knew of the Complainant and registered the disputed domain name to unduly benefit from the reputation of the Complainant’s trademark without authorization or license.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

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

### 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 Complainant's trademark without the dots – which are irrelevant to the consideration of confusing similarity between a trademark and a domain name – is reproduced and recognizable 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 the term "sus" may bear on assessment of the second and third elements, the Panel finds that 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.

According to the documentary evidence submitted by the Complainant, the Respondent has been using the disputed domain name for a website that offers for sale various clothing items, which is the line of business the Complainant's has been highly active at for many years internationally, including in the United States, which appears to be the Respondent's country of residence.

The Panel notes that it is evident that the Complainant has not authorized, licensed, or allowed the Respondent to use its trademark in the disputed domain name or in any other way that would confer validity or legitimacy upon such usage. In these circumstances, the offering of products on the Respondent's website referencing the Complainant's mark cannot be considered to be a bona fide offering of goods and services under the Policy.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that 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.

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

In the present case, the Panel notes that the disputed domain name incorporates the Complainant's trademark which is inherently widely known in the fashion sector. The Complainant has been extensively using its trademark in a number of countries for more than 30 years, including in the United States, which appears to be the Respondent's country of residence. For example, the Complainant opened its first U.S. store in New York in 1993, and three boutiques were opened in Los Angeles between 2014 and 2015.

The Respondent defaulted and thus failed to provide any explanation for its inclusion of the Complainant's trademark in the disputed domain name. In absence of any such explanation, the Panel infers on balance that the Respondent knew of the Complainant and its trademark and registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. Paragraph 4(b)(iv) of the Policy; [WIPO Overview 3.0](#), section 4.2.

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 <apcsus.shop> be transferred to the Complainant.

*/Zoltán Takács/*

**Zoltán Takács**

Sole Panelist

Date: September 4, 2025