

ADMINISTRATIVE PANEL DECISION

Mariage Frères v. Mark Marriage Sr.
Case No. D2025-2951

1. The Parties

The Complainant is Mariage Frères, France, represented by GPI MARQUES, France.

The Respondent is Mark Marriage Sr., United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <marriagefreres.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2025. On July 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 (Registration Private, Domains By Proxy, LLC) 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent sent an email communication to the Center on August 19, 2025 requesting a four-day extension to file a response under paragraph 5(b) of the Rules. On the same day, the Center granted the requested extension and confirmed the new due date for Response as August 22, 2025. The Respondent did not file a Response. Accordingly, the Center notified the Respondent of Commencement of Panel Appointment Process on August 25, 2025. On September 18, 2025, the Respondent sent an informal email communication to the Center.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on September 2, 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

According to the Complaint, the Complainant is a French gourmet tea company which claims to be France's oldest tea house. It has been operating out of the Marais district of Paris in France since 1854 when it was founded by the brothers Henri and Edouard Mariage. It has since expanded to salons selling tea and other products around the world.

The Complainant has a website at “www.mariagefreres.com”, the domain name for which was first registered on November 25, 1998.

The Complaint includes evidence that the Complainant owns a number of registered trademarks. These include:

(1) French Registered Trademark No. 1344151, MARIAGE FRERES, which has been registered since February 25, 1986, in respect of goods and services in International Classes 14, 21, 30, 42 – including “all kinds of tea, design of teapots and tea services” – and 43; and

(2) United States Registered Trademark No. 5870354, MARIAGE FRÈRES, which has been registered in the Principal Register since October 1, 2019, in respect of a range of goods and services in International Classes 3, 4, 21, 29, 30, 35, 41 and 43 including in class 30 for “tea and tea infusions” amongst other things and in class 35 for “retail store services” and “online retail store services” for such products.

The disputed domain name was registered on June 28, 2025.

When the Complaint was filed, the disputed domain name resolved to a website headed “Marriage Frères Timeless Tea Experience” with a “Contact Us” panel and facility to enter name, email and a message, as well as to sign up for an email list for updates, promotions and more. There was a copyright notice “Copyright © 2025 Marriage Frères – All Rights Reserved”.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. That the Respondent received the documentation is plain from his request for an extension – which was granted. Therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate 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.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of registered trademarks for MARIAGE FRERES and MARIAGE FRÈRES.

In comparing the disputed domain name to the Complainant's trademark, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's registered trademark with a double "r" in place of a single "r" in the first word. As this requirement under the Policy is essentially a standing requirement, this kind of misspelling does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.0](#), section 1.9. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (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.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

The Respondent registered the disputed domain name well after the Complainant began using the trademark and also after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to register or use the disputed domain name. Nor is the Respondent affiliated with it.

In the present case, there is obvious potential for the Respondent to seek to rely on paragraph 4(c)(ii) of the Policy. The availability of this potential defence is at least partly based on the likelihood that a registration based on a name such as a person’s birth name or other name by which they have long been known will have been adopted independently of the Complainant’s trademark and reputation.

Whether the defence is made out in a particular case, therefore, depends on whether the name has been adopted in good faith. Thus, prior panels have rejected the defence where a respondent has been able to demonstrate that the domain name in question was derived from their personal name but there is countervailing evidence that that personal name has been adopted opportunistically by the respondent in order to give a spurious air of legitimacy to an otherwise questionable registration. See e.g. *G. A. Modefine S.A. v. A.R. Mani*, WIPO Case No. [D2001-0537](#) and *Riemann Trading ApS v. Michael Riemann*, WIPO Case No. [D2017-0111](#).

In the present case, the disputed domain name resolves to a website purporting to be offering or promoting “Timeless Tea Experience”. Assuming that is a genuine offer, there is plainly a risk that Internet users would mistakenly believe there is an association or connection with the Complainant and its goods from the close resemblance of the disputed domain name to the Complainant’s trademark. All the more so as the Respondent, who appears to be located in the United States, has chosen to adopt the French term for “brothers”. It is a ready inference therefore that the Respondent is seeking to take advantage of the resemblance of his name (if that is his name) to trade on the Complainant’s trademark and reputation.

It is also noteworthy that, despite requesting and being given an extension of time, the Respondent has not provided evidence to verify that “Marriage” is in fact his name or otherwise sought to defend the registration of the disputed domain name.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

In the present case, the adoption by the Respondent of the French “frères” (although without an accent) as part of the disputed domain name, instead of the English “brothers” indicates an intention to signal a French connection. On the material before the Panel, there is no such connection as the Respondent is located in the United States (as reported by the Registrar and confirmed by the contact information in the Respondent’s informal email communication). This apparently false suggestion supports a conclusion that the Respondent was indeed aware of the Complainant and its trademark. That and the use of the disputed domain name in connection with the promotion of some kind of tea “experience” shortly after the disputed domain name was registered leads to a strong inference that the Respondent registered the disputed domain name to take advantage of its resemblance to the Complainant’s trademark.

Accordingly, the Panel finds that the disputed domain name was registered in bad faith under the Policy. Further, the manner of use, being calculated to mislead Internet users into thinking there is an affiliation or some sort of connection with the Complainant and its trademark, constitutes subsequent use in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

D. Late Request for a Further Extension

On September 18, 2025, the Center received an email from the Respondent requesting a further extension of a further 30 days to submit a Response. According to the email, the Respondent had been precluded from submitting a Response due to family health issues affecting his parents.

The Panel notes that this request comes a month after the original due date for the Response – and just short of a month after the Respondent had already been granted a four-day extension.

In his request, the Respondent has outlined his proposed Response. The Respondent says his family is of French heritage. He also holds the domain name <marriagebrothers.com>. The Respondent further contends that he intends to use the disputed domain name either for personal use or in connection with the wedding and marriage industry. These claimed uses, however, are inconsistent with the manner in which the disputed domain name has in fact been used until the Complaint was filed as outlined above.

In these circumstances, while the Panel is not of course in a position to gainsay the personal circumstances of the Respondent, the Panel considers it inappropriate to grant the Respondent the further extension requested. The request has been made too late, it is not accompanied by any supporting documentation and, in any event, appears to have inadequate prospects of success.

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 <marriagefreres.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: September 16, 2025 (postscript added September 19, 2025)