

ADMINISTRATIVE PANEL DECISION

The Fragrance Designers v. Riyadh Soltani, A2CB
Case No. D2025-3069

1. The Parties

The Complainant is The Fragrance Designers, France, represented by De Gaulle Fleurance & Associés, France.

The Respondent is Riyadh Soltani, A2CB, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <matierepremieres.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 8, 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 August 12, 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 August 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on September 12, 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, The Fragrance Designers, is a French company founded in 2017, selling fragrances and perfumes for a wide range of clients, including online.

The Complainant has filed trademark registrations for the word mark MATIERES PREMIERES (which means “raw material(s)” in English (hereafter “the Trademark” or “the Trademark MATIERES PREMIERES”). The Complainant notably owns the following trademark registration:

- The European Union trademark registration no.003210531 for MATIERES PREMIERES (word mark), registered on September 17, 2004;
- The French trademark registration no 3208442 for MATIERES PREMIERES (word mark), registered on February 3, 2003.

The Complainant is also the owner of the domain name <matiere-premiere.com> registered on June 9, 2014. This domain name resolves to the Complainant’s commercial website, where it presents and offers for sale luxury perfumes and cosmetics.

The disputed domain name was registered on July 25, 2025. According to the Complaint, it initially resolved to a website impersonating the Complainant’s own website, reproducing pictures, colors and lay-out of the Complainant’s website and selling identical products under the trademark. On July 30, 2025, the Complainant sent a take-down notice to the disputed domain name’s Registrar. At the time of this Decision, the disputed domain name resolves to an error page.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to the MATIERES PREMIERES Trademark, as it reproduces the Trademark in its entirety with a slight variation (the disputed domain name reproduces the MATIERES PREMIERES Trademark with the mere deletion of a “s” in the first part of the Trademark). Such a typo is unlikely to be noticed by Internet users or to mitigate the likelihood of confusion. Internet users encountering the disputed domain name will probably be misled and assume that it is connected to or endorsed by the Complainant.

Second, the Complainant contends that the Respondent lacks right or legitimate interest to the disputed domain name. There is no evidence that the Respondent would have acquired or applied for a trademark registration for MATIERE PREMIERES. The Complainant has never authorized the Respondent to use its Trademark, nor to register and use the disputed domain name containing such Trademark. The website, to which the disputed domain name resolves, targets the Complainant by impersonating the Complainant’s official website and claiming to offer identical products, whilst making prominent use of the Complainant’s Trademark and reproducing elements of the Complainant’s website. This cannot confer rights and legitimate interest under the Policy.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. It is inconceivable that the Respondent was not aware of the Complainant’s Trademark when it registered the disputed domain name because the Complainant is very active in the perfume field, including on the Internet. The Complainant has filed screenshots of the Respondent’s website (before it was taken down)

which evidence that the Respondent copied numerous elements from the Complainant's website (same layout, same colors, same pictures, identical products, similar contact form), clearly demonstrating that the Respondent was aware of the Complainant's existence and Trademark at the time it registered the disputed domain name. The only noticeable difference is a typographical error in the word "Accueil" which appears misspelled as "Acceuil" on the Respondent's website. Consequently, it is impossible that the Respondent's decision to register and use the disputed domain name be purely fortuitous or coincidental. Therefore, the Respondent registered and used the disputed domain name in order to take unfair advantage of the reputation of the Complainant and with the intentional aim of attracting consumers for commercial gain by creating a misleading impression of affiliation with the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements to succeed in its Complaint:

- (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

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 disputed domain name consists of the Complainant's Trademark MATIERES PREMIERES with a missing "s" in the first part of the Trademark. Despite this misspelling and typographical variation, the Complainant's Trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.9.

The generic Top-Level Domain ("gTLD") ".com", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

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.

The Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the Complainant's Trademark with a typographical variation (addition or suppression of a "s" to one part of the Trademark), and as such carries a risk of implied affiliation. Besides, the website to which the disputed domain name resolved effectively impersonated the Complainant's website by reproducing the same lay-out, colors and pictures as well as prominently depicting the Trademark. The website under the disputed domain name claimed to offer identical products, inviting Internet users to give their personal details in the contact form. Noting the impersonating nature of the content exhibited on the website at the disputed domain name, the Respondent induced Internet users into believing that the disputed domain name resolved to a website operated or endorsed by the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by misspelling the Complainant's Trademark MATIERES PREMIERES for resolving to a website which impersonated the Complainant's official website and claimed to offer for sale identical products. As a result, the Panel finds that the Respondent was well aware of the Complainant's and its Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

Moreover, panels have held that the use of a domain name for illegitimate activity, here impersonating or passing off, constitutes bad faith. In the present case, the disputed domain name resolved to a website claiming to offer products (perfumes) which are identical to the products sold by the Complainant (same type of products, same packaging, same trademark). The Respondent passed itself off as the Complainant as the website to which the disputed domain name resolved prominently displayed the Complainant's Trademark while using the same lay-out, the same colors and the same pictures. The Respondent's website also claimed to offer identical products and invited potential customers to send a request and to leave their contact details. This website did not contain any information allowing Internet users to identify the company operating the website. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than seeking to unduly benefit from the Complainant, its Trademark, and associated goodwill.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <matierepremieres.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: September 18, 2025