

## **ADMINISTRATIVE PANEL DECISION**

HGD Group v. su ke  
Case No. D2025-3097

### **1. The Parties**

The Complainant is HGD Group, France, represented by Atlan & Boksenbaum, France.

The Respondent is su ke, China.

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

The disputed domain name <gerarddarelretail.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 August 4, 2025. On August 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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 (Bei Jing, China (no more information)) 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 amendment to the Complaint on August 10, 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 August 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 3, 2025.

The Center appointed Munir Suboh as the sole panelist in this matter on September 5, 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**

After checking the Complaint's merits, annexes, evidence presented by the Complainant and reviewing its commercial activities, it is adequately proven with accessible evidence from different sources, including evidence by the Complainant, online trademark records such as the global trademark records run by WIPO and many other online databases, the following facts:

##### **The Complainant:**

- 1) The Complainant is the HGD GROUP, and it owns several trademarks GERARD DAREL to cover various countries throughout the world, such as i) "GERARD DAREL" (wordmark) International trademark number 482697 registered since February 8, 1984, for classes 3, 14, 18, and 25 (clothing, etc.), ii) GERARD DAREL (wordmark) French trademark registration number 1698728 filed on October 11, 1991. Many other marks and registrations are shown in public records owned by the Complainant covering various countries in the world, including North America such as the United States of America and Canada; Latin America, such as Brazil; and several other jurisdictions such as Malaysia, India, European Union, Qatar, Singapore, Mexico, Indonesia, and Australia.
- 2) The Complainant runs and owns "www.gerarddarel.com" and uses its registered trademark to sell various types of goods such as accessories, bags, and ready-to-wear.
- 3) GERARD DAREL is a French women's ready-to-wear brand, and the brand ownership went through various historical changes. This is not related to the present UDRP proceeding and hence will limit the facts to the Complainant's claims as stated in the Complaint.
- 4) The wide range of acquired trademark registrations by the Complainant and use of its trademark GERARD DAREL covering different regions, countries and reaching out to millions of consumers, and based on the available records accessible to the Panel and evidence presented in support of this Complaint, it is allegedly implied that the trademark GERARD DAREL can be considered as a (well-known) trademark and recognized among wide range of public consumers from different countries and continents; its reputation unarguably exceeds the country of origin.

##### **The Respondent:**

- 1) The disputed domain name was registered on July 24, 2015.
- 2) The evidence presented in the annexes of this Complaint show that the content of the disputed domain name represents some images to offer to sale articles of ready-to-wear, accessories and materials that uses without any license and/or authorization the trademarks GERARD DAREL and illegally use photos from the Complainant's website "www.gerarddarel.com".

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the disputed domain name as requested in the Complaint's "Remedies Requested" section.

Notably, the Complainant contends that it owns a registered trademark and domain name, and the Respondent chose to register a highly similar domain name to its trademark and used it to promote identical and/or relevant goods using the same contents/materials and/or product images and other copyrightable materials that the Complainant uses. All of the above establishes the merits for the UDRP claim and the sought remedies.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements that Complainant must satisfy with respect to the disputed domain name: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (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.

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

Although the addition of the term (here "retail") may bear on assessment of the second and third elements, the Panel finds 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 with 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 Panel has also observed the use of the disputed domain name for a website displaying the Complainant's trademark, using product images for the Complainant's genuine products, and purportedly selling possibly counterfeit products noting heavily discounted prices. Panels have held that the use of a domain name for illegitimate activity here, claimed sale of counterfeit goods, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Further, the addition of the term "retail" added after the Complainant's trademark in the disputed domain name in fact creates a likelihood of confusion and misleads users or public into believing that the disputed domain name would resolve to an online retail platform owned and/or promoted by the trademark owner (i.e., the Complainant).

The Respondent did not respond to this UDRP Complaint and hence did not rebut the Complainant's 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.

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

In the present case, the Panel notes that:

- 1) The Respondent registered a domain name to promote possibly counterfeit goods of the Complainant under the Complainant's trademark which is widely used, covering various countries in the European Union, Asia, North America and reaching users from different backgrounds. Furthermore, the disputed domain name incorporates the Complainant's trademark in its entirety, which is widely recognized and has acquired distinctiveness through extensive use and promotion for various goods mainly those covered under classes 25 and 18, and the disputed domain name uses it to promote and sell identical line of products.
- 2) The Respondent's registration of a domain name that is confusingly similar to the Complainant's mark suggests deliberate targeting by using the entirety of the mark GERARD DAREL coupled with the term "retail" which refers to the Complainant's field of business/activities. Given the fame of the Complainant's trademark and the high similarities between the disputed domain name and the prior registered trademark, it is implausible that the Respondent was unaware of the Complainant's rights at the time of registration.
- 3) There is evidence to indicate that the Respondent is using the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a product or service on the Registrant's website. Such conduct falls squarely within paragraph 4(b)(iv) of the UDRP, which defines bad faith registration and use of a domain name.

4) The Respondent has used and displayed product images of the Complainant and sell possibly counterfeit products of the Complaint noting heavily discounted prices. This is clear evidence to establish more infringements of intellectual property rights but undoubtedly let the Panel establish the bad faith use of the disputed domain name. Panels have held that the use of a domain name for illegitimate activity, claimed sale of counterfeit goods, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <gerarddarelretail.shop> be cancelled.

*/Munir Suboh/*

**Munir Suboh**

Sole Panelist

Date: September 11, 2025