

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. ren wei
Case No. D2025-3112

1. The Parties

The Complainant is Les Parfumeries Fragonard, France, represented by MIIP MADE IN IP, France.

The Respondent is ren wei, China.

2. The Domain Name and Registrar

The disputed domain name <fragonard-outlets.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 5, 2025. On August 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 (Registrant unknown) 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 9, 2025.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on September 19, 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 Les Parfumeries Fragonard, a French company established in 1926 in Grasse, France, a city known for its perfumes industry. The Complainant's name was adopted as a tribute to a famous local painter, Jean-Honoré Fragonard.

The Complainant is a manufacturer of perfumes, cosmetics, and homeware, and commercializes its products all over the world directly through a lot of stores and corners using the Fragonard commercial name, by means of mail-order catalogue and via its online store available on the website <fragonard.com>.

The Complainant's products are distributed to stores and corners under the FRAGONARD trademark in the whole world. The FRAGONARD products are also sold by mail-order by means of a mail-order catalogue and an online store via the website "www.fragonard.com", which promotes the sales of the FRAGONARD products. The Complainant's products can also be found in prestigious hotels all over the world as gifts for the clients and via a strong international distribution network.

The Complainant owns several worldwide trademark registrations for FRAGONARD, among which are the following:

- the European Union trademark registration number 012235941 for the word FRAGONARD, filed on October 18, 2013, and registered on March 12, 2014, covering goods and services in classes 3, 4, and 35;
- the United States trademark registration number 2026820 for the stylized word FRAGONARD, filed on November 14, 1995, and registered on December 31, 1996, covering goods in class 3.

The Complainant inter alia offers its products through its website which is accessible via "www.fragonard.com".

The disputed domain name was registered on July 29, 2025, and incorporates the FRAGONARD mark in full, combined with the descriptive term "outlets" and the generic Top-Level-Domain ("gTLD") ".shop." The disputed domain name resolved to a commercial website selling perfumes and cosmetics under the FRAGONARD name, reproducing brand elements and creating a false impression of official affiliation.

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 states that the disputed domain name is confusingly similar to the trademark FRAGONARD – in fact, the disputed domain name includes the trademark in its entirety, together with the descriptive expression "outlets".

The Respondent has no rights nor legitimate interests in the disputed domain name, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain name. As stated by the documents presented, the registration and use of the trademark FRAGONARD predate the registration of the disputed domain name in almost a century.

Moreover, the Respondent is not commonly known by the disputed domain name. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademark.

The disputed domain name resolved to a commercial website selling perfumes and cosmetics under the FRAGONARD name, reproducing brand elements and creating a false impression of official affiliation. The page for which the disputed domain name directs creates a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement. These facts give the impression that the Respondent has registered the disputed domain name to take undue advantage of the Complainant's trademark.

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- i. the disputed 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 to 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 disputed domain name is confusingly similar to the FRAGONARD trademark, as the latter is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark FRAGONARD in jurisdictions throughout the world, by presenting international registrations for it, as well as comprehensive evidence of the use of the trademark. The addition of the term "outlets" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's FRAGONARD trademark.

The trademark is clearly recognizable in the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the gTLD, in this case ".shop", is typically disregarded under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

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.

Given the clear evidence that the trademark FRAGONARD is registered in the name of the Complainant and is widely known as identifying the Complainant’s products, that the Complainant has not licensed this to the Respondent, and evidence that the Respondent is using the disputed domain name in connection with a web page that reproduces the Complainant’s trademark and other visual elements from the Complainant’s official web page, the Panel finds that the Complainant has established prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such prima facie case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

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 finds that the Respondent has probably registered the disputed domain name with the purpose of taking unfair advantage of the Complainant’s mark.

The addition of the term “outlets” in the disputed domain name points towards the Respondent’s likely intent to give the impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that, it is more likely than not, that the disputed domain name has been registered to take unfair advantage due to its value as a trademark owned by the Complainant.

Further, the Respondent was creating the false impression that the website to which the disputed domain name resolved, was either operated or endorsed by the Complainant. Even if the Respondent was offering the goods or services marketed by the Complainant, the Respondent would not make fair use of the Complainant’s trademark in the disputed domain names. UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, and such fair use is qualified under the so-called “Oki Data” test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Oki Data test. There is thus little doubt that the Respondent’s main goal is to profit from the confusion created with Internet users.

Hence, the Panel finds that the Respondent registered and used the disputed domain name deliberately in order to take advantage of the Complainant's reputation and to give credibility to their operations.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name in bad faith.

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 <fragonard-outlets.shop> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: October 6, 2025