

## **ADMINISTRATIVE PANEL DECISION**

Les Parfumeries Fragonard v. userdc dger  
Case No. D2025-3115

### **1. The Parties**

The Complainant is Les Parfumeries Fragonard, France, represented by MIIP – Made in IP, France.

The Respondent is userdc dger, United States of America.

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

The disputed domain name <fragonardonline.shop> is registered with Spaceship, Inc. (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 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 (Not disclosed) 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 11, 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 Mladen Vukmir as the sole panelist in this matter on September 11, 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 a French company founded in 1995 with its principal place of business in Grasse, France, and is specialized mainly in the perfumery field of activity.

The Complainant is the owner of numerous earlier FRAGONARD trademarks registered in various jurisdictions, including “FRAGONARD” International Registration number 647574 registered on November 10, 1995 for goods in class 3 of International Classification (“IC”), “FRAGONARD” trademark registered in France from October 18, 1985, under the registration number 1327342, for goods in class 3 of IC, and FRAGONARD trademark registered in the European Union on March 8, 2023, under the registration number 018776308, for goods and service in classes 3, 4, 8, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 35, 36, 39, 41, and 43 of IC (the “FRAGONARD trademark”).

The Complainant is the holder of the domain name <fragonard.com> registered on March 10, 1997.

The disputed domain was registered on July 30, 2025. According to the evidence submitted by the Complainant, the disputed domain name resolved to a website where the FRAGONARD trademark had been displayed, and the Complainant’s products had been purportedly offered. The disputed domain name currently displays a “This site can’t be reached” message.

#### **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:

(i) the Complainant is the owner of the well-known FRAGONARD trademark, as well as of numerous rights composed of or including the FRAGONARD trademark, all over the world, in the cosmetic field of activity and particularly for perfume products. The Complainant started using the name of Parfumerie Fragonard in 1926 and it is one of the three historic perfume companies in Grasse, France. Over the decades, it has built a global reputation and goodwill associated with the Fragonard brand. Since its creation, the FRAGONARD trademark has seen a significant growth and has an important notoriety. The products marked FRAGONARD are directly distributed in a lot of stores and corners worldwide. The FRAGONARD products are also sold by mail order and an online store via the website “www.fragonard.com” which promotes the sales of the FRAGONARD products. The FRAGONARD products are distributed in prestigious hotels all over the world. The strong reputation of the FRAGONARD trademark has been encouraged by means of numerous commercials and advertisements for many years. The disputed domain name is confusingly similar to the Complainant’s FRAGONARD trademark, as it incorporates said trademark in its entirety. The FRAGONARD trademark is highly distinctive in relation to the cosmetic industry.

(ii) the Respondent has no rights or legitimate interest in the disputed domain name, as it registered the disputed domain name only after the Complainant has registered its trademark and domain name incorporating the FRAGONARD mark. There is no conceivable good faith use of the disputed domain name other than to refer to the Complainant. There is also no business or legal relationship between the Complainant and the Respondent. The Respondent has not acquired, or owned, any trademark or service rights in Fragonard, and has not been commonly known by the disputed domain name. The Complainant has never licensed, permitted or otherwise authorized the Respondent to use the FRAGONARD trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. Instead, the Respondent is exploiting the FRAGONARD trademark in its entirety and offering FRAGONARD products (perfumes, cosmetics, accessories, etc.) on its website.

(iii) the disputed domain name was registered and is being used in bad faith. The disputed domain name leads to a website that reproduces the well-known FRAGONARD trademark and presents itself as an e-shop offering FRAGONARD products at a bargain price. The Respondent is impersonating the Complainant and expressly trading off the goodwill inherent in the FRAGONARD trademark as well as confusing consumers into believing there is a direct connection between the Complainant and the Respondent. The Respondent registered the disputed domain name in bad faith for the sole purpose of taking advantage of the FRAGONARD trademark. When the Respondent registered the disputed domain name, it did so by using a privacy service in order to hide its identity.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's FRAGONARD trademark is reproduced 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](#), section 1.7.

Although the addition of other terms in the disputed domain name, here "online", 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 FRAGONARD trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. (Where the relevant trademark is recognizable within 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.)

The generic Top-Level Domain ("gTLD") ".shop" can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.

The Panel concludes that the Complainant has met the requirements of paragraph 4(a)(i) of the Policy by providing its rights to the FRAGONARD trademark and demonstrating that the disputed domain name is confusingly similar to its FRAGONARD trademark.

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 authorized by the Complainant to use the FRAGONARD trademark, and there is no indication that the Respondent is commonly known by the disputed domain name. There is no apparent relation, from the record, between the Respondent and the Complainant, nor does it arise that the Complainant has ever licensed or otherwise permitted the Respondent to use its FRAGONARD trademark, or to apply for or use any domain name incorporating the same trademark.

There is no evidence in the case file or otherwise apparent to the Panel that the Respondent has been using the disputed domain name in connection with a bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent has been using the disputed domain name to purportedly profit from the sale of the Complainant's products. The website created under the disputed domain name has made no effort to disclose the Respondent's lack of affiliation with the Complainant, which has created a false impression of endorsement or official connection, particularly considering the composition of the disputed domain name.

The facts and circumstances of the case do not support a finding of rights or legitimate interests by the Respondent, and 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, at the time of filing of the Complaint, the disputed domain name resolved to a website where the Complainant's FRAGONARD trademark had been displayed, and the Complainant's products had been purportedly offered. At the same time, the Respondent's lack of affiliation with the Complainant has not been disclosed on said website, which had created a false impression of endorsement or official connection between the Complainant and the Respondent, particularly noting the composition of the disputed domain name. Panels have held that the use of a domain name for illegal activity, here, impersonating/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel accepts that the Complainant's FRAGONARD trademark is well known, distinctive and widely recognized. It is highly unlikely that the Respondent was unaware of the Complainant and its FRAGONARD trademarks when it registered the disputed domain name, especially when considering the use to which the disputed domain name was put.

The Complainant's FRAGONARD trademarks were registered well before the disputed domain name, and the Respondent has never received authorization from the Complainant to use its FRAGONARD trademark or to register the disputed domain name.

Given the nature of use of the disputed domain name registered with the gTLD extension “.shop”, the Panel is of the opinion that the Respondent registered the disputed domain name with full awareness of the Complainant’s FRAGONARD trademark and domain name <fragonard.com>, and is using the disputed domain name to misleadingly attract Internet users. The disputed domain name has resolved to a website that has purported to sell the Complainant’s FRAGONARD perfumes and cosmetics without disclosing the Respondent’s lack of a relationship with the Complainant. The impression given by the disputed domain name and this website could cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not.

The Panel is of the opinion that, by registering and using the disputed domain name that contains the Complainant’s FRAGONARD trademark, the Respondent is attempting to take advantage of the Complainant’s well-known trademark. In this Panel’s view, the Respondent is, by using the FRAGONARD trademark in the disputed domain name, intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its FRAGONARD trademarks. It is well established that if a respondent has intentionally attempted to attract for commercial gain by creating a likelihood of confusion with the complainant’s trademark it is an indicator of bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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, <fragonardonline.shop>, be transferred to the Complainant.

*/Mladen Vukmir/*

**Mladen Vukmir**

Sole Panelist

Date: September 25, 2025