

## **ADMINISTRATIVE PANEL DECISION**

**CHARLES FARAUD v. Bin Ren**

**Case No. D2025-3175**

### **1. The Parties**

The Complainant is CHARLES FARAUD, France, represented by MIIP – MADE IN IP, France.

The Respondent is Bin Ren, China.

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

The disputed domain name <charlesetalice.xyz> is registered with Dominet (HK) Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 7, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on September 10, 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 information in the Complaint, the Complainant is widely known by the French public in the field of fruit desserts. It holds the rights to CHARLES & ALICE trademark, used in connection with its website specializing in fruit desserts.

The Complainant is the holder of a number of trademarks, including the International trademark CHARLES & ALICE, No. 1252461 (figurative), registered on December 9, 2014, duly renewed, for classes 29 and 32; the International Trademark CHARLES & ALICE No. 1087934 (figurative), registered on July 7, 2011, duly renewed, for classes 29 and 43; and International Trademark CHARLES ET ALICE (figurative), registered on May 19, 2011, for classes 29 and 43. The Complainant has also registered the domain name <charlesetalice.com> since December 14, 2010, which redirects to its website at “www.charlesetalice.fr”, offering information and content related to its fruit desserts.

The disputed domain name was registered on May 22, 2025, and it redirects to a parked GoDaddy page, indicating that the disputed domain name is for sale for USD 1,450.

There is no information known on the Respondent apart from the details provided by the Registrar.

#### **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 the disputed domain name contains the Complainant's trademark CHARLES & ALICE in an identical way with the only difference being that “et” replaces “&”, which has the same meaning (i.e. “and”) in French.

As regards the second element, the Complainant submits that the Respondent lack rights in the disputed domain name, as it holds no trademark rights for CHARLES & ALICE. Also, although there is no business relationship, or any link of any nature, between the Complainant and the Respondent that could allow him to register a domain name including the trademark CHARLES & ALICE, the disputed domain name suggests affiliation with the Complainant. The disputed domain name redirects to the GoDaddy's website, and the Complainant has not detected any use or intention to use the disputed domain name by the Respondent in connection with an offer of goods or services. On the contrary, the disputed domain name is offered for sale.

With respect to the third element, the Complainant contends that the trademarks of the Complainant are well known by the public in France for fruit desserts and its website is also the first one that appears when a search is made on Google with the terms “charles et alice” and “charles & alice”. The Respondent registered the disputed domain name many years after the registration of the Complainant's trademarks. As regards the use, the Complainant contends that the disputed domain name redirects only to a parked page offering it for sale, and that the registration of the disputed domain name was probably made for phishing.

##### **B. Respondent**

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

## 6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Likewise, paragraph 10(d) of the Rules, provides that “the Panel shall determine the admissibility, relevance, materiality and weight of the evidence”.

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

### 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 3.0](#), section 1.7. It is the settled view of panels applying the Policy that the Top-Level Domain (“TLD”) (here “.xyz”) may be disregarded under the first element test as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel disregards the TLD “.xyz” for the purposes of the confusing similarity test.

The Complainant has shown rights in respect of the trademarks CHARLES & ALICE and CHARLES ET ALICE for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name consists of the Complainant's trademark CHARLES & ALICE, spelled without the ampersand in the middle, as it is replaced by the French synonym word “et”. This is not sufficient to prevent the finding that the disputed domain name is confusingly similar to the trademark of the Complainant. The disputed domain name is also identical to the Complainant's trademark CHARLES ET ALICE.

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 has no business or any kind of relationship (e.g., licensor, distributor) with the Complainant. Further, the Respondent is not commonly known by the disputed domain name. Considering the absence of a response by the Respondent to the Complainant's contentions putting forward any legitimate non-infringing purpose, and the Complainant's online presence, the Panel finds, on the balance of probabilities, that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain name.

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.

The Panel is satisfied that the Respondent likely knew the Complainant's CHARLES & ALICE trademark and its use in relation to fruit desserts when it registered the disputed domain name. The Panel also notes that the Complainant owns and operates the domain name <charlesetalice.com>.

The Complainant has proved that the disputed domain name redirects to a GoDaddy webpage where it is offered for sale. This, in view of the finding that the Respondent has no rights to or legitimate interests in the disputed domain name, given also the confusing similarity of the disputed domain name with the Complainant's trademarks, its similarity with the Complainant's domain name, as well as the failure of the Respondent to present a credible rationale for registering the disputed domain name appears to signal an intention on the part of the Respondent to derive commercial gain from the resale of the disputed domain name, riding on the reputation of the Complainant's trademarks (this Panel accepts that the amount for which the disputed domain name has been put for sale presumably exceeds, without evidence to the contrary, the Respondent's out-of-pocket expenses in registering the disputed domain name). The circumstances referred to in paragraph 4(b)(i) of the Policy are applicable.

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any justification or evidence of any contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name.

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 <charlesetalice.xyz> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: September 16, 2025