

ADMINISTRATIVE PANEL DECISION

Wurzburg Holding S.A. v. Liana De
Case No. D2025-3219

1. The Parties

Complainant is Wurzburg Holding S.A., Luxembourg, represented by Dennemeyer & Associates S.A., Luxembourg.

Respondent is Liana De, Canada.

2. The Domain Names and Registrar

The disputed domain names <marithe-official-kr.com>, <maritheofficial-kr.com>, and <marithe-officialsale.com> (the “Domain Names”) are registered with West263 International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 12, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On August 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on August 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 14, 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 5, 2025.

The Center appointed Clive L. Elliott K.C., 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

Complainant was established in 1972 by stylists François Girbaud and Marithé Bachelierie and is the owner of the renowned trade marks MARITHÉ ET FRANÇOIS GIRBAUD and MARITHÉ. MARITHÉ and MARITHÉ ET FRANÇOIS GIRBAUD have become iconic international clothing brands, celebrated for their innovative designs and contributions to the fashion industry. The brand gained significant recognition in the 1980s and 1990s, particularly for its avant-garde denim styles and casual wear, influencing global fashion trends.

Complainant is the registered owner of numerous trade marks for MARITHÉ, MARITHÉ ET FRANÇOIS GIRBAUD and its variations (“Complainant’s Marks”), registered in multiple jurisdictions worldwide since the 1980s, including but not limited to, the following:

Mark	Jurisdiction	Registration No	Registration Date	Classes
MARITHÉ	Republic of Korea	4020230045587	December 18, 2024	18
MARITHÉ	Republic of Korea	4020230045588	December 18, 2024	25
MARITHEPARIS	Republic of Korea	4020230045589	December 18, 2024	18
MARITHEPARIS	Republic of Korea	4020230045590	December 18, 2024	25
Marithé et François Girbaud	European Union	018868064	September 6, 2023	25

Complainant and its affiliates are also owners of the following domain names:

- <girbaud.com>, registered on February 3, 1998; and
- <marithe-official.com>, registered on February 4, 2022.

According to the publicly available WhoIs, the Domain Names were registered as follows:

1. <marithe-officialsale.com>, registered on May 26, 2025;
2. <marithe-official-kr.com>, registered on June 11, 2025; and
3. <maritheofficial-kr.com>, registered on June 13, 2025.

The Domain Names <maritheofficial-kr.com> and <marithe-officialsale.com> previously resolved to websites where the Complainant’s Marks were prominently displayed, and the Complainant’s products were purportedly offered for sale. The Domain Name <marithe-official-kr.com> does not appear to have resolved to any website.

5. Parties’ Contentions

A. Complainant

Complainant has filed a consolidated Complaint in accordance with paragraph 3(c) of the UDRP Rules, because it believes that the Domain Names are owned by the same Respondent, or at least they are under common control, as demonstrated below:

1. The content of the corresponding websites seems to be subject to common control as they are all currently inactive;
2. The content and layout of the websites associated with the Domain Names <marithe-officialsale.com> and <mareitheofficial-kr.com> were identical at the time the websites were still active.
3. Registrant's contact information indicates that all registrants are registered in Ontario, Canada.
4. All domain names contain the extension ".com" and share a similar structure, with each including the names "marithe", "official", and for two of the three Domain Names, the abbreviations for Republic of Korea "kr".
5. Further, after filing the Complainant, WIPO confirmed on August 14, 2025 that the registrant is the same for all Domain Names.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

Notably, Complainant contends that the Domain Names are highly similar and nearly identical to Complainant's Marks, to which Complainant has prior rights. The Domain Names are composed of Complainant's Marks MARITHÉ combined with the general term "official", and the country abbreviation for Republic of Korea "kr". Complainant states that this additional term further emphasizes the potential for association and confusion among Internet users, who are likely to perceive the Domain Names as official websites of Complainant. Further, Complainant contends that the Domain Names are also similar to the earlier trade mark MARITHÉ ET FRANÇOIS GIRBAUD.

Complainant notes that MARITHÉ is not only a registered trade mark but also the first name of one of the founders of the brand, and this connection reinforces the likelihood of confusion among consumers.

Complainant asserts that Respondent has no rights or legitimate interests in respect of the Domain Names, nor does Respondent have a legitimate right to the names "Marithé" and "Marithé et François Girbaud".

Furthermore, Complainant contends that there is no evidence that Respondent is making a legitimate noncommercial or fair use of the Domain Names, especially as the Domain Names <maritheofficial-kr.com> and <marithe-officialsale.com> used to resolve to fraudulent websites that unlawfully marketed Complainant's products at low prices; and such websites used images reproduced from Complainant's official site.

Complainant submits that the inclusion of the Republic of Korea country code "kr" on two of the Domain Names is not coincidental, as Republic of Korea is one of Complainant's key markets in Asia, where Complainant has recently expanded its brand presence in collaboration with a local partner and made considerable investments.

In light of all the circumstances, Complainant claims that Respondent has registered and used the Domain Names in bad faith with the intention of profiting from the reputation of Complainant's Marks by choosing domain names confusingly similar to Complainant's Marks.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Preliminary procedural issue – consolidation of proceedings

As noted above, Complainant has filed a consolidated Complaint in accordance with paragraph 3(c) of the UDRP Rules. Complainant contends that the Domain Names are owned by the same Respondent, or at least they are under common control, and relies on four factors that point towards such common ownership and/or control of the Domain Names.

The Panel takes note that the Registrar has confirmed the Domain Names are registered by the same Respondent. Accordingly, the Panel addresses the consolidated Complaint as a single Complaint, which was brought correctly in accordance with paragraph 3(c) of the UDRP Rules.

6.2 Substantive Issues

A. Identical or Confusingly Similar

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 Complainant's Marks and the Domain Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant asserts that it has made extensive use of and registered Complainant's Marks. The Panel accepts that Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainant's Marks are incorporated within the Domain Names and, importantly, contain an essential element of Complainant's Marks, the term "Marithe". In addition, the Domain Names contain the term "official", and the country abbreviation for Republic of Korea "kr". Complainant submits that, notwithstanding these changes, the Domain Names are nearly identical or at least confusingly similar to Complainant's Marks. That is on the basis that the addition of the term "official", along with the abbreviation "kr" does not prevent a finding of the confusing similarity between Complainant's Marks and the Domain Names. The Panel accepts this argument and finds that the Domain Names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Respondent may demonstrate rights or legitimate interests in a 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Names (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names. Respondent has not challenged Complainant's prima facie showing and has not provided an argument or relevant evidence demonstrating rights or legitimate interests in the Domain Names, such as those enumerated in the Policy or otherwise.

In the present case, Complainant asserts that there is no evidence that Respondent is making a legitimate noncommercial or fair use of the Domain Names, especially in relation to the Domain Names <maritheofficial-kr.com> and <marithe-officialsale.com>. Instead, Complainant alleges that Respondent has used certain of the Domain Names to resolve to unauthorised websites that unlawfully marketed Complainant's products at low prices; and such websites used images reproduced from Complainant's official site.

This suggests that certain of the Domain Names have been used for improper purposes. In the absence of any explanation from Respondent, when such explanation is called for, the Panel finds that the registration

and use of the Domain Names in this manner carries a real risk of the Domain Names being used to impersonate Complainant or at least to create the impression of some form of association, when no such association exists. In this regard, the composition of the Domain Names, incorporating Complainant's Marks, albeit with other general terminology and an additional geographic term, gives rise to a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, 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.

The Panel notes that the composition of the Domain Names, incorporating Complainant's Marks, albeit with other non-distinctive content, suggests Respondent knew of and sought to take advantage of Complainant's Marks when registering and/or using the Domain Names. That is, particularly given that Complainant asserts that Republic of Korea is an important market for its goods and services and it was conducting business in Republic of Korea prior to the registration of the Domain Names.

Respondent has failed to explain why it chose to register the Domain Names under such circumstances and at such time. The Panel finds that the Respondent's use of the Domain Names <maritheofficial-kr.com> and <marithe-officialsale.com> constitutes bad faith under paragraph 4(b)(iv) of the Policy. The non-use of the Domain Name <marithe-official-kr.com> does not prevent a finding of bad faith under the circumstances of this case. [WIPO Overview 3.0](#), section 3.3.

In light of Complainant's international reputation, the Panel considers that in the event that either Respondent or its associates use the Domain Names in the future, there is a significant risk that Internet users visiting the Domain Names will be misled or deceived, falsely assuming a connection with Complainant.

The Panel finds that 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 Domain Names <marithe-official-kr.com>, <maritheofficial-kr.com>, and <marithe-officialsale.com> be transferred to Complainant.

/Clive L. Elliott K.C./

Clive L. Elliott K.C.

Sole Panelist

Date: September 26, 2025