

ADMINISTRATIVE PANEL DECISION

JJA v. Normanan Darin
Case No. D2025-3447

1. The Parties

The Complainant is JJA, France, represented by Dennemeyer & Associates S.A., Luxembourg.

The Respondent is Normanan Darin, United States of America.

2. The Domain Name and Registrar

The disputed domain name <atmospheradeko.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 26, 2025. On August 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 28, 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 September 1, 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 September 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2025.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on September 30, 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 family company, trading internationally, founded in 1976. The Complainant's business is essentially in the field of home furnishings, lighting and decor.

The Complainant holds trademarks comprising or incorporating the word ATMOSPHERA (the "ATMOSPHERA trademark"), of which the following are representative:

ATMOSPHERA CRÉATEUR D'INTÉRIEUR, with design, International Trademark, registered on November 20, 2012, registration number 1151354, in classes 4, 11, 14, 16, 18, 20, 21, 23, 24, 26, 27, 34, and 35; and

ATMOSPHERA CREATEUR D'INTERIEUR, word mark, European Union Trademark, registered on June 13, 2012, registration number 010493229, in classes 3, 4, 8, 9, 11, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 38, and 41.

The Complainant also owns the domain names <atmosphera.com>, registered in 2003, and <atmosphera.fr>, registered in 2011.

The Respondent has not provided any background information except for the contact details given to the Registrar in order to register the disputed domain name on July 30, 2025. The disputed domain name has resolved to a website (the "Respondent's website") in German displaying the Complainant's ATMOSPHERA trademark and logo, purportedly using the Complainant's copyrighted images of products and offering the Complainant's furniture and accessories for sale at discounted prices.

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 is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name reproduces the entirety of the most distinctive element, ATMOSPHERA, of the Complainant's trademarks. The Complainant says the generic term "deko" relates directly to the Complainant's area of business.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been licensed or permitted to use the Complainant's trademark in any way.

The Complainant says the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, since it resolves to a website that reproduces the Complainant's logo and trademark. Photographs of items featured on the Complainant's website have been copied to the Respondent's website.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. The Respondent must have been aware of the Complainant's trademark because the Respondent's website reproduces the Complainant's trademark in logo form and carries reproductions of photographs copied from the Complainant's website. The Respondent has attempted to trade on the goodwill of the Complainant for commercial gain by intentionally creating confusion between the disputed domain name and the Complainant's trademark.

The Complainant requests the transfer of the disputed domain name.

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

The Panel finds the mark is recognizable 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. In reaching this decision the Panel notes that the word "ATMOSPHERA" is the operative word in the Complainant's various trademarks such as ATMOSPHERA CREATEUR D'INTERIEUR, and that in the design (logo) trademark referenced in section 4 above, the word "ATMOSPHERA" is the prominent and clearly readable design feature. [WIPO Overview 3.0](#), section 1.10.

Although the addition of other term (here, "deko") 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 trademark 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 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 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)(iv) is pertinent and reads as follows:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location”.

The Complainant has also produced evidence in the form of screen captures of the Respondent’s website, showing similarities to the Complainant’s own website.

One such screen capture shows the Respondent’s website headed with an exact reproduction of the Complainant’s logo featuring the ATMOSPHERA trademark. Most of the page is occupied by a photograph of a room setting with cabinets, decorative vessels and towels. The Respondent’s website is commercial, with a discounted price stated for the cabinet and an invitation in German to “in den warenkorb” (add to cart). Another example shows a display of ceiling pendant lighting copied exactly from the Complainant’s to the Respondent’s website, with again a shopping cart and the exhortation “kauf jetzt” (buy now). A distinctive floor mat and a wall rack are similarly copied exactly from the Complainant’s to the Respondent’s website.

The Respondent has not denied that the copying was from the Complainant’s website to the Respondent’s, and not vice versa.

The Respondent’s website features prominently the Complainant’s trademark, registered well before the registration of the disputed domain name. Therefore, the Panel is of the view that the Respondent has intended to use confusion, at least initial interest confusion, in order to attract potential customers who were seeking the Complainant’s website. The evidence of egregious copying of the Complainant’s website by the Respondent, and of the Respondent’s provision of prices and a checkout system on its website, leave no realistic doubt that the Respondent was aware of the Complainant, its trademark and its business, and specifically targeted the Complainant in order to divert some of the Complainant’s intended customers to itself for commercial gain, within the meaning of paragraph 4(b)(iv) of 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 <atmospheredeko.com> be transferred to the Complainant.

/Dr. Clive N.A. Trotman/

Dr. Clive N.A. Trotman

Sole Panelist

Date: October 7, 2025